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## Organised Migration within the European Union: free movement rights as a business model

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## **Abstract**

This qualitative study is examining the reasons behind the mass migration of Bulgarian citizens from Stolipinovo to Germany and the city of Duisburg in particular. The research is conducted using ethnographic approach together with carrying out interviews with the focus group – EU migrants from that area. It further examines how this process is facilitated and what kind of organisations stay behind it.

Central to the study are free movement rights protected by EU law. It further examines the development of EU citizenship and how it is utilized by organisations that take advantage of gaps in the national legislation of the host member state or are often involved in illegal activities. Contradicting with the idea behind free movement and the desire for more freedoms for the EU migrants, such organisations use vulnerable people to gain control over them while exercising their migration rights.

The study further adopts Foucault's power and knowledge theory that combined with Weber's rationality help to provide clearer understanding of organised migration and how it serves as a more sophisticated form of human trafficking. Also, in order to understand what is the reason so many people to be drawn by the German state and the services of the organisations, the push and pull factors theory is the main framework introduced in the work.

The gathered empirical data is at the core of the study, providing insights of the Roma community that is central to the research and the socio-legal context of the process concerning the migration and exercising of EU citizenship rights by the migrants. As a result of that and the conducted analysis, the study provides a better understanding how organised migration works and how the groups behind it use free movement rights to establish a profitable business.

Having lived in the UK, Spain, Sweden and Belgium in the past 10 years, I have witnessed similar issues with migrants that triggered my interest in the topic. With my Bulgarian background and the large migrant diaspora in the rest of the EU, combined with my interest in socio-legal issues and knowledge of Bulgarian, German, Spanish and English, the significance of the topic grew gradually resulting in this research.

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## 1. Introduction

The European Union (EU) is a unique community of independent countries with mutual interests and values. Protecting the fundamental rights and the rule of law is a key element for the EU to function and serve its purpose, which at the very core from the beginning is to maintain peace on the continent.<sup>1</sup> With the expansion of the Community from six founding members to the current 27 EU Member States (MS), and the development of the European Court of Justice (ECJ), it is persistently growing with the potential to become a federal union.<sup>2</sup> The recent events around ‘Brexit’ might be seen as a step backwards in that process, however, the withdrawal of the United Kingdom, one of the fierce opponents of European federalism, makes this a much likelier scenario for the future of the EU.<sup>3</sup>

The progress towards an ‘ever closer Union’ comes with a number of hurdles, both economical and social.<sup>4</sup> The struggles of the EU after the economic crises from the beginning of the last decade are evident by several factors. Such is the increasing tensions between social groups and the separation of people based on their national background with focus falling on migrants. The influx of the refugee crisis and the mass migration of other third country economic migrants further increased the pressure on the authorities for firm actions to ease and reduce the numbers of newcomers in the European Union and in particular to the Western EU MS.

In the whole picture certain groups of migrants coming from other EU MS were in a way neglected, even though, they have their own issues and necessity for integration. Such EU migrants are economically inactive, in most cases do not seek for job and rarely speak the local language, without making the efforts to acquire relevant knowledge and skills to integrate. However, they still enjoy all of their citizenship rights under EU law, have access to the social security system and reside without any economic obligations to the host MS.<sup>5</sup>

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<sup>1</sup> Consolidated version of the Treaty on the Functioning of the European Union, Article 2.

<sup>2</sup> The Maastricht Treaty, 1992.

<sup>3</sup> Waterfield, B., *EU Leaders to push for ever closer Union without Britain*, 2020, The Times, UK, <https://bit.ly/2T4SR Ae>, accessed 16 Feb 2020.

<sup>4</sup> Andler-Nissen, R., *Opting out of an ever closer Union: The integration Doxa and the management of sovereignty*, 2011, Taylor & Francis.

<sup>5</sup> Roberts, B., Murphy, A., McKee, M., *Europe’s collective failure to address the refugee crisis*, 2016, Springer.

This study is focusing on such group of EU migrants, with home MS in Eastern Europe, residing in Germany.<sup>6</sup> The majority of the people in that particular group come from the same neighbourhood in the city of Plovdiv, Bulgaria. Most of them have moved to Germany in the past few years and now reside in the Duisburg area in the Northwest of the country. They are organised, have different groups within the community, talk either Turkish or Bulgaria, in a few cases both, and rarely speak the local language. The main income they rely on is received from the social security system of the home MS, in most cases in the form of child support.<sup>7</sup>

### 1.1. Key terms in the context of the study

#### a. Organised migration

The process of organised migration has many of the features of human trafficking in the context of the contemporary Occident.<sup>8</sup> However, important clarification is that migrants in that process are crossing national borders legally as EU citizens enjoying their fundamental rights. That is why human trafficking as a concept is revised to the study with connotations that are not as strong, resulting in adapting organised migration as a term that serves better the research. In this study the term is used for people coming from Stolipinovo, Bulgaria that have moved to Duisburg, Germany.

Free movement of persons within the EU is a fundamental right that can be enjoyed freely by all EU citizens.<sup>9</sup> Therefore, organised migration is a term introduced particularly for this research and refers to EU migrants that exercise their free movement rights under well-controlled group, moving from identical geographic location to the same city in a host member state within the EU. The participants in such groups have similar background, do not get employed with official contracts in the host country and the usual contribution to the social security system is the required minimum in order to have access to it.

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<sup>6</sup> Since 2009 I have lived in 5 different EU MS to work and study, the UK, Sweden, Spain, Belgium, including Bulgaria, which is also my home MS. In each country I could settle easily and enjoy freely my citizenship rights, without the guidance or support of any agency, organisations, etc. For that reason I was surprised when I read that thousands of Bulgarians exercise their free movement rights in organised groups and wanted to investigate why. The phenomenon turned out to be both very complex, but also simple in the same time, as it involves activities that are not unique, however, the scale of the organised migration makes the whole process look very difficult to execute. For the purpose of the research and data collection both my knowledge of German and Bulgarian were very useful, in addition to English. Having lived in Spain and Brussels, I also speak Spanish and some French.

<sup>7</sup> Voll, F., *Inside Duisburg-Marxloh: Ein Stadtteil zwischen Alltag und Angst*, 2016, Orell Füssli Verlag.

<sup>8</sup> Pavlou, V., *Where to Look for Change? A critique of the use of modern slavery and trafficking frameworks in the fight against migrant domestic workers' vulnerability*, 2018, Goethe Univeristy.

<sup>9</sup> Cecco, F., *Fundamental Freedoms, Fundamental Rights, and the Scope of Free Movement Law*, 2014, Cambridge Univeristy Press.

An important and critical element of organised migration is that in nearly all cases there is a group leader, which deals with most of the paperwork necessary to register the migrants in the host country and sign them to the welfare system. The leaders, referred to as ‘the organisations’, possess the documentation of all migrants involved and hold a signed and verified power of attorney paper that allows representing them.

#### b. The organisations / The leaders

Central to the study are the organisations that facilitate the entire process of organised migration. These organisations involve a number of people that guide the migrants in every step they have to make until they start claiming social benefits in Germany. They are very well structured, do not visibly breach any laws and in most cases are considered as the only reliable source of information. Organised migration is referred to as business or business model as the organisations provide service by facilitating everything for the needs of the migrants in order to claim benefits, for which they claim a significant commission for doing so.

The organisations have recruiters that attract more migrants, they also provide the transportation for them from the home MS to the host country. Furthermore, the organisations have people dealing with all the paperwork; provide assistance in Turkish, which is native to most of the migrants, as they rarely speak German. Also, the organisations help with opening bank accounts, find accommodation for all migrants and provide jobs that do not require German language. The exact structure, the people that stay on top of it and what happens with all the funds involved is not clear, as the study could not access the organisations directly.<sup>10</sup>

#### c. Roma community

Initially, the study on organised migration did not intend to focus on specific minority or ethnic community. The focus group had always been migrants holding EU citizenship, regardless their religion, ethnicity or mother tongue coming from the same area that have moved to live in Duisburg, Germany. With the build-up of background information and further gathering of empirical data certain traits have appeared, most significant of which the fact that a large number of the migrants

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<sup>10</sup> Due to the Covid pandemic travel restrictions were imposed and I could not conduct a research in Germany as initially intended, which is the main reason for the absence of such information, however, as a conclusion of the analysis conducted with the data collected from Stolipinovo, I do not believe that such information is easily accessible and that the organisations or their leaders would not openly disclose any information about their activities, income or structure.

holding Bulgarian citizenship that had moved to Germany in organised groups are from the same Roma community in Plovdiv, Bulgaria.<sup>11</sup>

Being the biggest minority group in the EU, the Roma communities have been subject of many studies related to free movement rights.<sup>12</sup> Therefore, ‘Roma community’ as a term in this work does not apply exclusively for the migrants from Stolipinovo, but rather for the Roma people that are EU citizens in general.<sup>13</sup>

#### d. Economically Inactive EU Migrants

As the phenomenon of economically inactive EU migrants is central for this research, it is necessary to clarify which migrants are considered as such. A distinction should be drawn between active and inactive EU migrants. EU citizens that have left their home member state in order to work and reside in a different country of the European Union should be considered as active EU migrants.<sup>14</sup> In the majority of cases they are self-sufficient and can exercise the free movement rights without any restrictions.

On the other hand, economically inactive EU migrants are EU citizens that might also enjoy the free movement rights, but are doing so being non - self-sufficient. Such migrants might have been previously employed, but in cases they have been without job for more than 3 to 6 months (depending on the host member state) they are considered as economically inactive. In Germany job seekers used to be considered as economically active, regardless the period they were unemployed. However, recent changes in legislation set a time frame that if such migrant cannot find a job for the period of more than 3 months he or she should be considered as economically inactive.<sup>15</sup> For the purpose of the study it is important to clarify that migrants who work without formal contracts and are not registered as employed therefore do not pay income tax, etc., are also to be considered as economically inactive.

#### e. Benefit tourism

This is a term used in the political discourse and relates to economically inactive EU migrants that reside and have access to the social security system in a member state

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<sup>11</sup> Vassilev, R., *The Roma of Bulgaria: A pariah minority*, 2007, Routledge.

<sup>12</sup> Vermeersch, P., *Reframing the Roma: EU Initiatives and the Politics of Reinterpretation*, 2012, JEM.

<sup>13</sup> Van Baar, H., *Boudary Practices of Citizenship: Europe's Roma at the Nexus of Securitization and Citizenship*, 2017, University of Amsterdam.

<sup>14</sup> Mars, S., *Economically inactive EU migrants and the UK's NHS: unreasonable burdens without real links?*, 2014, ELR.

<sup>15</sup> Case C-333/13 *Dano v Jobcenter Leipzig* [2014].



different than their home country.<sup>16</sup> Usually such migrants do not contribute to the economy of the host member state as they are unemployed, but they still claim social benefits such as child-support, housing, health care, food and monthly allowance.

Migrants or organisations controlling groups of migrants, naturally aim to settle in MS with the most lucrative benefit systems, as the accessibility in most cases is similar, however, the reward is greater in some MS, especially comparing Eastern to Western EU MS, as the social security systems are not unified. That is why often they are viewed as migrants abusing the welfare system of the host member state; therefore, they are referred to as migrants exercising “benefit tourism”.<sup>17</sup>

#### f. Modern slavery

Modern slavery is a term that is to be used carefully throughout the work. It has a complex composition with potentially very extreme connotation depending on the circumstances of the case.<sup>18</sup> In the context of the contemporary society it is the process of abusing certain group of people by taking advantage of them in the form of severe labour exploitation, which is criminal under the national legislation of the EU member state in which this occurs.<sup>19</sup>

For this research it applies for migrants that are driven by appalling living conditions, the lack of economic opportunities and being the subject to discrimination in their home member state, however, in the host country they are mistreated by having worse living conditions than before; receive less or no pay than what have been arranged beforehand in illegally provided jobs; have their official national identities surrendered by having their passports withheld by the organisations; are subject to verbal abuse and threats.<sup>20</sup> Exercising power over the migrants by constant flow of misleading information is another method employed by the organisations in order to gain long-term control.

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<sup>16</sup> Fernandes, S., *Access to social benefits for EU mobile citizens: “Tourism” or Myth?*, 2016, Jacques Delors Institute.

<sup>17</sup> Verschueren, H., *Free Movement or Benefit Tourism: The Unreasonable Burden of Brey*, 2014, EJML.

<sup>18</sup> Weitzer, R., *Human trafficking and Contemporary Slavery*, 2015, George Washington University.

<sup>19</sup> Pavlou, V., *Where to Look for Change? A critique of the use of modern slavery and trafficking frameworks in the fight against migrant domestic workers’ vulnerability*, 2018, Goethe University.

<sup>20</sup> European Union Agency for Fundamental Rights, *Severe labour exploitation: workers moving within or into the European Union. States’ obligations and victims’ rights*, 2015, Luxembourg.

## 1.2. Aim

The aim of the study is to analyse the migration processes in regards to people from Bulgaria that have decided to reside in Germany. In particular, the work examines the process of **organised migration** within the borders of the EU and what is the role of such structures, in an environment that allows all EU citizens to freely move and exercise their rights without the necessity of any sort of organised trafficking. With the emphasis on *organised*, the research is conducted in a way with the hope to give an insight of the fundamental right of free movement of persons exercised in large numbers by groups of people with similar background, analogous destiny and goals.

Specific ambition of the work is to examine the push and pull factors for the resettlement of the people from Stolipinovo and to find whether such movement is under the management of an organisation or it is completely free and uncontrolled. An important objective is to find if the people in question have a say where they want to end up and for what reasons. Furthermore, examining the willingness for integration of the group in the local communities of the host member state is crucial for understanding the long-term goals of organised migration. Ideally, the study could gather more information about the structures of the organisations that facilitate the process, however, with the pandemic restrictions and the underground features of the organisations, acquiring such information in the current environment was not possible. Area a future study on the topic can aim to gather knowledge about.

Furthermore, it is important to examine the consequences of organised migration on the host MS. In the case of Germany, a country with a more generous welfare system, it is necessary to study the measures the state adopts in order to ease the pressure on the social security structure and to what extent organised migration damages it. The study aims to look at whether EU policies on the equal treatment of EU migrants have the opposite effect and instead of closing the gap and increase solidarity in the Union; such policies encourage populist trends and nationalist movements. Examining the measures taken by national governments in order to prevent the abuse of social security systems and to give a broader view on current situations by combining day-to-day case law analysis with data collection is an initial step in that process. It is also necessary to examine the application of relevant EU case law and more specifically

the landmark case of *Dano*<sup>21</sup>, groundbreaking ruling with importance on economically inactive EU migrants claiming social benefits without prior residential status.

### **1.3. Delimitation**

The following chapter examines what characteristics are used to limit the scope of the study and how its boundaries are described in order to narrow it down in terms of geographical location or setting in which the study takes place, population traits, etc.<sup>22</sup>

The study involves only migrants that do fit in the definition of EU citizenship and currently reside or have resided and intend to do so again in a MS different then the one they hold national identity card/passport of. Therefore, an important delimitation of the study is third country nationals, including refugees, which either work or not, contribute to the social security systems or not. The focus falls entirely on migrants that are EU citizens and under Union law freely travel, reside, work and practice their rights in all member states of the EU.

### **1.4. Ethics**

Apart from being a socio-legal study, the work has considerable political aspect, which needs to be addressed. It is necessary to underline that the aim of the study is solely to research an area and provide clearer insights without trying to trigger the ethical issues that may arise from that. While, conducting the interviews is the main process that needs to bear in mind ethical considerations. Personal information or anything revealing the identities of the informants will not be disclosed in the study.

## **2. Literature Review and Background of the Study**

One of the four fundamental rights of the European Union is the free movement of persons within the Union.<sup>23</sup> This means that the Union citizens are protected under EU Law to travel, work and reside within the 27 member states without any limitation. The free movement right has been enjoyed by many people holding EU

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<sup>21</sup> *Dano v Jobcenter Leipzig* (C-333/13) [2015] 1 C.M.L.R. 48.

<sup>22</sup> Banakar, R., *On Socio-Legal Design*, 2019, Lund University.

<sup>23</sup> Bellamy, R., *Evaluating Union citizenship: belonging, rights and participation within the EU*, 2008, Routledge.

citizenship, but not without difficulties in some cases. Since 2004, the year of the largest expansion of the EU, the number of EU migrants has been increasing with every following year, making the European society very diverse and dynamic.<sup>24</sup>

This process, however, has not been without issues and concerns within the society. Ideally, migration enhances cultural and professional exchange, encouraging growth and development of the EU as a whole. To a certain extent this is exactly the case, which is evident by the many young people moving between Member States to find better opportunities for them and their families. However, there are also many cases of migrants practicing their free movement rights entirely of economic reasons. Many of the home states of these migrants are the newly joined countries, most of which are in Eastern Europe.<sup>25</sup> This, of course, is not something necessary negative, as one of the main objectives of the EU is to close the economic gap between the west and the east within the EU in order to create a competitive market. The problem comes from the fact that the migration trend is at scales that it is hard all of the migrants to find jobs, leaving many without work and income. Adding to this is the last decade's global economic crises causing many job losses, resulting in the highest levels of unemployment for generations.

According to the International Labour Organisation and the World Bank, adequate social protection is available to roughly 20% of the people worldwide. Figure showing the different approaches adopted by governments and the need for improvement in that direction.<sup>26</sup> However, social security systems are also not harmonized at EU level, leaving member states to create and implement a system they find appropriate with its own rules.<sup>27</sup> Naturally, migrants exercise their citizenship rights fully therefore they claim the social benefits applicable in the host member states. However, such benefits are available to any EU job seeker, which the local authorities are entitled to provide. This resulted in putting lots of pressure on certain social security systems and created a misbalance between seekers and contributors.<sup>28</sup>

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<sup>24</sup> Kochenov, D., *EU Citizenship without Duties*, 2014, European Law Journal.

<sup>25</sup> Dimitrova, R., Chasiotis, A., Bender, M., Vijver, F., *Collective identity and wellbeing of Roma minority adolescents in Bulgaria*, 2013, Routledge.

<sup>26</sup> Deacon, B., *Global Social Policy in the Making*, 2013, Policy Press, Bristol.

<sup>27</sup> Scharpf, F. & Schmidt, V., *Welfare and Work in the Open Economy. Vol.2 Diverse Responses to Common Challenges*, 2003, Oxford University Press.

<sup>28</sup> Razin & Wahba, *Migration policy and the generosity of the Welfare State in Europe*, 2011.

Bulgaria and Romania joined the EU in January 2007. Together with Croatia, they are the newest countries to become a member of the European family. The reports on gross domestic product per capita show that all three countries make the bottom of the table in the EEA, with Bulgaria being the poorest EU MS.<sup>29</sup> With the lowest average salary, GDP and living standard by quite some difference, it is natural to believe that Bulgarians try to do what is necessary to improve their quality of life. That is why migration is a key element in that process, with more Bulgarians leaving the country than foreigners arriving.<sup>30</sup>

As EU citizens' most migrants from Bulgaria have chosen to reside in a different EU member state by exercising their free movement of persons rights under EU law. Currently nearly 1 million are living around the EU, with significant populations in Italy, Spain, Belgium and Austria. However, by far the largest group of Bulgarian migrants has settled in Germany with approximately 400,000 living there in January 2020.<sup>31</sup> Although other migrants from all around the EU are largely present in Germany, it is worth studying the reasons behind the extremely high percentage of Bulgarians choosing the country.

The strong German economy and the stable job market are major reasons why so many people have chosen Germany as their new home. Furthermore, the generous social security system and the relatively easy access to it also make the country a lucrative destination for EU migrants.<sup>32</sup> In fact so lucrative that entire communities have decided to move there in the past few years, putting the welfare system and integration processes under great pressure.<sup>33</sup>

Economic migrants have various backgrounds and it is hard to categorise them apart from the nationality based on the home MS. However, there are migrant groups that reside and interact in the host MS mostly with the same people they did where they all originate from. In other words, they have migrated to the same area, regardless together or at different time, and have moved most or all of their community to the host MS. Such is the case with a group of Bulgarian migrants residing in Northwest Germany. Most of them have moved to Duisburg and the surrounding area in the past

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<sup>29</sup> International Monetary Fund, Oct 2018, <https://bit.ly/2HDgijv>.

<sup>30</sup> European Commission, *Governance of Migration*, 2018, <https://bit.ly/2SIP24t>.

<sup>31</sup> Santova, Ivanova & Stoilova, *Bulgarians abroad*, Capital, 2019, <https://bit.ly/2Pb8IvT>.

<sup>32</sup> Legrain, *Is free migration compatible with a European-style welfare state?*, 2008.

<sup>33</sup> Blauburger & Schmidt, *Welfare migration? Free movement of EU citizens and access to social benefits*, SAGE, 2014.

two years, numbering to nearly 20000 only in North Rhine - Westphalia.<sup>34</sup> Originally they come from Stolipinovo, a neighbourhood in Plovdiv, Bulgaria's second biggest city, which is also the biggest Roma ghetto in Europe.<sup>35</sup> The scale of their migration is so big, that currently in Stolipinovo entire apartment buildings are empty, which just less than a year ago had thousands of inhabitants.

That sort of mass migration comes with a multi-layer consequence. Both the host member state and the home country struggle to deal with the movement of such a large community. In one case the absence of people damaging services, working force and local livelihood, and the other overloading the system and the host area in general with all the newcomers.

There is a wide range of articles concerning migration. In particular, the settlements of Romani people throughout Europe are a common area for studying of many researchers. In order to understand the topic with more details previous studies and case law will be examined. The gathered information is to be analysed and summarized in the following section of the work. Literature review is a vital part of the research, which by examining previous works helps to identify the gap in the research field and focus in that research area.

While many researchers have conducted studies of free movement within the EU, migrants rights and the access to the social security systems in the host member states, a few have done so considering migrants as an organised group of people. It is evident that the EU works hard in direction of making citizenship rights available to all the member states nationals, however, it is a different picture when examining the way how such migrants exercise the free movement rights, especially in cases where organisations intentionally manage the migrants in large organised groups.

The existing knowledge and covered research in the field, does not provide sufficient understanding of the problem and leaves the area of organised migration undiscovered. This can be seen as a business model utilizing vulnerable people, which is a largely undocumented process that has a lack of knowledge. As a socio-legal study the research attempts to fill that gap and bring a new perspective in the field.<sup>36</sup>

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<sup>34</sup> Duisburger Quartalszahlen 2019, *Informationslogistik*, accessed 8MAR2020, <https://bit.ly/2Wir3eI>.

<sup>35</sup> Vassilev, R., *The Roma of Bulgaria: A pariah minority*, 2007, Routledge.

<sup>36</sup> Banakar, R., *Normativity on Legal Sociology. Methodological Reflections on Law and Regulation in Late Modernity*, 2015, Springer.

## 2.1. EU Citizenship

According to Articles 18 to 25 of the Treaty on the Functioning of the European Union (TFEU) European citizenship holds any national of a member state of the EU and has the following rights:<sup>37</sup>

- to move and take up residence anywhere in the EU;
- vote and stand in local government and European Parliament elections in their country of residence;
- diplomatic and consular protection outside the EU from the authorities of any EU country if their country of nationality is not represented;
- petition the European Parliament and appeal to the European Ombudsman;
- address the European institutions in any of its official languages and to receive a reply in the same language;
- non-discrimination on the basis of nationality, gender, race, religion, handicap, age or sexual orientation;
- invite the Commission to submit a legislative proposal (citizens' initiative);
- access EU institutions' and bodies' documents, subject to certain conditions (Article 15 of the TFEU).

The citizenship of the European Union is an additional citizenship to the nationals of the EU member states. EU Law provides legal protection, freedoms and rights to all citizens of the European Union by securing their fundamental rights. The European Court of Justice is one of the three major supranational institutions of the EU and its main role is to interpret the Union law and give effective judicial protection to the citizens of the member states.<sup>38</sup> That process of creating and protecting citizenship is an interrelationship between the three key components of state building, nation making and the emergence of commercial and industrial society, all being driven forward by the consequences of wars devastating Europe.<sup>39</sup>

However, despite having cultural and linguistic similarities, historically Europe developed differently both religiously and politically. That created a different societal and economic structure with a noticeable difference between member states in Western Europe and the newly joined countries of Eastern Europe, which by 2004 were not part of the *European family*.<sup>40</sup> Although having the same rights under citizenship laws, such disbalance between member states resulted in a significant adrift of the value of national citizenship of Eastern member states and the occidental

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<sup>37</sup> Consolidated Version of the Treaty on European Union [2010] OJ C83/01, Articles 18-25.

<sup>38</sup> Foster, N., *EU Law Directions*, 2010, OUP.

<sup>39</sup> Bellamy, R., *Evaluating Union citizenship: belonging, rights and participation within the EU*, 2008, Routledge.

<sup>40</sup> Kochenov, D., *EU Citizenship without Duties*, 2014, European Law Journal.

countries of the EU.<sup>41</sup> The foundations for this difference had been central to the work of Max Weber in *Economy and Society* on the advantages of the Western world.<sup>42</sup>

In the context of the Roma people, citizenship rights have a more complex situation. There are calls to recognise the Roma as a people without national identity of a specific state, but still to give them citizenship rights in the EU.<sup>43</sup> That is viewed to be a possible step forward for European citizenship and a possible solution to the identity crisis surrounding the Roma communities around Europe. Despite being largely neglected, the Roma are the biggest minority group in the EU. However, the absence of a single recognised central body to represent them have created a situation full of uncertainties for the community and its citizenship rights.<sup>44</sup>

## 2.2. National Courts and the European Court of Justice (ECJ)

The European Union nowadays comprises of 27 Member States with a population of almost half a billion people. Having a unified legal system is crucial for the existence of the fundamental rights of the EU.<sup>45</sup> The Union's aim is to promote peace, its values and well-being of its peoples.<sup>46</sup> The European Court of Justice 'has played an absolutely vital role in the development of EU law'.<sup>47</sup> It exercises the judicial function of the Union and its primary function is to ensure that in the interpretation and application of the Treaties the law is observed.<sup>48</sup> Then, it is up to the member states to provide remedies sufficient to ensure effective legal protection in the fields covered by Union law.<sup>49</sup> This means that national courts bear the responsibility for ensuring that EU law is properly applied.

However, because of the number of the Member States there is a risk that their national courts may interpret the provisions of EU law in different ways. In order to

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<sup>41</sup> Nelson, B., *Social Research, Interaction Between European and American Social Science*, 1976, Johns Hopkins University Press.

<sup>42</sup> Weber, M., Roth, G., and Wittich, C., *Economy and Society: An Outline of Interpretive Sociology*. 1978, Berkeley: University of California Press.

<sup>43</sup> Isin, E., Saward M., *Enacting European Citizenship*, 2013, Cambridge.

<sup>44</sup> Castañeda, H., *European Mobilities or Poverty Migration? Discourse on Roma in Germany*, 2015, John Wiley & Sons Ltd.

<sup>45</sup> Banakar, R. & Travers, M., *Theory and Method in Socio-legal Research*, 2005, Hart Publishing.

<sup>46</sup> Consolidated Version of the Treaty on European Union [2010] OJ C83/01, Article 3(1).

<sup>47</sup> Storey, T. and Turner, C., *Unlocking EU Law*, 2011, Hodder Education.

<sup>48</sup> Consolidated Version of the Treaty on European Union [2010] OJ C83/01, Article 19(1).

<sup>49</sup> *Ibid.*



prevent this happening a preliminary ruling procedure was introduced.<sup>50</sup> Under Article 267, the courts of the Member States may or sometimes must seek a ruling from the Court of Justice on the interpretation of all forms of EU law including international treaties and recommendations and on the validity of EU secondary legislation.<sup>51</sup> The ECJ's main task is simply to rule on a point of EU law, while the national courts' role in the process is to apply the ruling to the particular case. The intended relationship is one of 'equality and cooperation, rather than hierarchy or an appeal system'.<sup>52</sup> This simple mechanism provides the link between the Court of Justice and the national courts through which uniform interpretation of EU law is ensured.

The supremacy of EU Law serves as a final instrument for justice for EU citizenship. Regardless what national courts decide, the ECJ reserves the right to overrule in favour of the fundamental rights of the EU. That is why cases such as *Dano*<sup>53</sup> and *Alimanovic*<sup>54</sup> have significant importance on the development of citizenship rights and the interinstitutional collaboration and multi court system in the EU. Both cases can serve as the cornerstone for solving issues related to organised migration and the protection of the social security system of a EU MS, limiting the power of the organisations behind that processes, if there is such will.

### **2.3. Free movement of persons and migration within the EU**

In recent years many researchers focus on the repressive practices governments introduce in order to limit migration flows. While framing different types of migrants, which did not enter the EU legally or remained beyond what is allowed, several national institutions in different member states also introduced policies imposing restrictions on migrants holding EU citizenship.<sup>55</sup> Such courses of action resulted in new techniques of control being adopted involving surveillance and database of migrants based on their occupation, family size, nationality, etc. Regulating human mobility in such way results in encouraging the migration of some, while heavily

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<sup>50</sup> Consolidated Version of the Treaty on the Functioning of the EU [2010] C83/01, Article 267.

<sup>51</sup> Foster, N., *EU Law Directions*, 2010, OUP.

<sup>52</sup> *Ibid.*

<sup>53</sup> Case C-333/13 *Dano v Jobcenter Leipzig* [2014].

<sup>54</sup> Case C-67/14 *Alimanovic* [2015].

<sup>55</sup> Parker, O., *Roma and the Politics of EU Citizenship in France: Everyday Security and Resistance*, 2012, University of Warwick.

restricting the mobility of others.<sup>56</sup> That is possible despite the fact that all EU citizenship rights apply equally to every migrant holding nationality regardless from which of the 27 member states.

Furthermore, previous research on such restrictions is found in the article of Matthew Evans where he examines series of measures that have been introduced aiming to limit the access of EU migrants to benefits. The article focuses on the general right of free movement and how can member states question who is admitted in the respective host states by referring to *abuse of rights* by such migrants.<sup>57</sup> In that context the article focuses on the significant cases of *Dano*<sup>58</sup> and *Trojani*<sup>59</sup>, which to great extent cover the current situation concerning inactive persons and whether they should or should not be able to claim benefits.

Evans continues that the right to claim benefits is not, however, absolute.<sup>60</sup> In earlier cases, the Court had indeed already made non-discriminatory access to social assistance conditional upon the requesting EU citizen not becoming an unreasonable burden on the host member state's public finances and on having a genuine link with that state's employment market or demonstrating a certain degree of integration into its society. Moreover, these judgments also stressed a member state's right to expel the citizen who unreasonably burdens its assistance system, as long as this is not the automatic consequence of his relying on the system at all. These safeguards and conditions notwithstanding, the fundamental status of non-discrimination appeared to be the *Trojan horse* of EU citizenship, allowing *welfare tourists* to prey on national assistance schemes. Such fears did not, however, prevent the EU legislature from reflecting the bulk of the Court's case law in its overhaul of the free movement and social security legislation in 2004.

Evans further analyzes the *Dano* case where the court ruled under Regulation 1244/2010 that the migrant from Romania seeking benefits in Germany, have no rights to do so and even illegally resides in the host state, although German nationals in the same situation as the Romanian in this case, are still entitled to social benefits. This decision, of course, raises many questions about discrimination on the grounds

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<sup>56</sup> Van Baar, H., *Boudary Practices of Citizenship: Europe's Roma at the Nexus of Securitization and Citizenship*, 2017, University of Amsterdam.

<sup>57</sup> Evans, M., 'EU Migrants, abuse and access to welfare', 2015, JIANL.

<sup>58</sup> Case C-333/13 *Dano v Jobcenter Leipzig* [2014].

<sup>59</sup> Case C-456/02 *Trojani v Centre public d'aide sociale de Bruxelles* [2004].

<sup>60</sup> Evans, M., 'EU Migrants, abuse and access to welfare', 2015, JIANL.

of nationality within the EU and the application of Directive 2004/38, but is justified that it applies only to economically inactive and not seeking employment migrants. That is why this case<sup>61</sup> is a very good starting point for a research concerning migration movements in the EU as it clarifies the current position of EU migrants.

#### **2.4. Roma community migration**

Over the last two decades, the integration of newcomers in European societies is a very politicized topic that is often labeled as a social problem dividing popular opinions. The main focus in relation to that usually falls on groups of people with vulnerable citizenship status, such as asylum seekers, dependant people, sex workers, but also migrants from the Roma communities.<sup>62</sup> With that increases the interest in the field with the number of scholars and social scientists researching migration, and *Roma migration* in particular, is constantly growing. Since 2004, the largest expansion of the European Union, and especially after 2007 when Romania and Bulgaria joined, the movement of the Romani people in Eastern Europe has been increasing with every following year.<sup>63</sup>

In the political discourse it is not rare that the migrant Roma communities are associated with crime activity. Due to the process of European integration the discourse in Eastern European countries limited itself to a certain extent to openly express anti Roma rhetoric.<sup>64</sup> However, often, as in the case in France in 2010, Romani people are targeted by the authorities as scapegoats for issues that arise in the vicinity of their settlements.<sup>65</sup> Collectively they are viewed as offenders and beggars, which do not obey the law, breaking social norms and refusing to follow integration policies.<sup>66</sup> This picture is not exclusive to France, but can be traced in other EU member states that have experienced increasing number of Roma migration in recent

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<sup>61</sup> Case C-333/13 Dano v Jobcenter Leipzig [2014].

<sup>62</sup> Van Baar, H., *Boudary Practices of Citizenship: Europe's Roma at the Nexus of Securitization and Citizenship*, 2017, University of Amsterdam.

<sup>63</sup> Magazzini, T., Piemontese, S., *Constructing Roma Migration. European Narratives and Local Governance*, 2019, Springer Open.

<sup>64</sup> Cercel, C., *Romania and the Quest for European Identity*, 2019, Routledge

<sup>65</sup> Nacu, A., *From Silent Marginality to Spotlight Scapegoating? A Brief Case Study of France's Policy Towards the Roma*, 2012, Routledge.

<sup>66</sup> Nafstad, I., *The ideal minority victim – Roma in Swedish criminal courts*, 2019, International Journal of Law, Crime and Justice.

years. Targeting Roma as a group results in the raise of hate related crimes towards members of the communities.<sup>67</sup>

Furthermore, studies from Sweden show that offenses with clear anti-Roma motives are generally neglected and in 2012 and 2013 only less than 3% were solved.<sup>68</sup> Additionally, Nafstad argues that a reason for that framing is the fact that Roma migrants do not have the capacity to protect themselves making them easy targets or the *ideal victim*.<sup>69</sup> In Sweden the Roma community is to a great extent excluded both economically and politically, as well as socially from the contemporary life of the society. Also, the Romani people have a history and present experience of considerable discrimination and are subject to negative stereotyping and hate crimes.

On the other hand, it is argued that the conflict with the Roma community comes with the way they practice free movement rights. Roma communities consist of large families that have a strong bond between each other. For that reason when moving to reside elsewhere they do so in big numbers, not rarely, entire villages move.<sup>70</sup> By having such a considerable groups of newcomers, in many places the locals view them as invaders, something that creates a hostile attitude in the long-term.<sup>71</sup>

Similar is the case in Duisburg, Germany, where in recent years migration is in such large numbers, that entire neighbourhoods become with a majority of Roma migrants. In his book Franz Voll describe and examines the consequences of migration in such a large scale. In his analysis he studies the cultural differences between the local residents of Duisburg and the migrants and concludes that mass migration and in that case organised migration devastates the city and creates an anti-social environment with a raising crime activity.<sup>72</sup>

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<sup>67</sup> Nacu, A., *From Silent Marginality to Spotlight Scapegoating? A Brief Case Study of France's Policy Towards the Roma*, 2012, Routledge.

<sup>68</sup> Schoultz, I., *Polisanmälda hatbrott med antiromska motiv – en studie av polisens utredningsåtgärder*, 2015, Lund University.

<sup>69</sup> Nafstad, I., *The ideal minority victim – Roma in Swedish criminal courts*, 2019, International Journal of Law, Crime and Justice.

<sup>70</sup> Cercel, C., *Romania and the Quest for European Identity*, 2019, Routledge.

<sup>71</sup> Braham, M. & Braham, M., *Romani migrations and EU enlargement*, 2007, Routledge.

<sup>72</sup> Voll, F., *Inside Duisburg-Marxloh*, 2016, Orell Füssli Verlag.

## 2.5. Westward migration

Max Weber addresses the advantage of the contemporary Western states by drawing concrete distinctive actualities that can be understood historically by comparing the development of the Occident society and the rest of the world.<sup>73</sup> By fragmenting the formation of the societal structure, the patterns and paces of different institutional, social and cultural structures, he examines the core of the dissimilarities of the civilizational realities.<sup>74</sup> Differences that have been noticeable even before last century's events of destructive wars and extreme political regimes, which further economically adrift Eastern from Western Europe.<sup>75</sup>

Consequently, Western European countries are attracting far more migrants than the countries in the rest of Europe. Flow, which for decades was controlled by strict measures imposed by the Communist regimes ruling most of the Eastern European countries.<sup>76</sup> However, with the collapse of the Iron Curtain, the raise of migration from East to West became significantly more noticeable. As a result, Western countries faced difficulties dealing with the migration surge and started seeking a long-term solution to the phenomenon. Process that focused on protecting the welfare state and one that required economic analysis and further integration policies.<sup>77</sup> That is why closing the economic gap between member states is one of the core objectives of the EU, with the aim to increase the standard in Eastern European countries,<sup>78</sup> without slowing down Europe as a competitor on the global market.

Investments and creating opportunities in the newly joined EU member states is key for achieving that goal as the 'brain drain' Eastern European countries experience is harming their economies, however, something Western markets take great advantage of.<sup>79</sup> Still, the general focus of research topics falls on different types of migration that are more culturally noticeable and represent a greater challenge for integration. That

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<sup>73</sup> Weber, M., edited by Roth and Wittich, *Economy and Society*, 2013, University of California Press.

<sup>74</sup> Nelson, B., *Social Research, Interaction Between European and American Social Science*, 1976, Johns Hopkins University Press.

<sup>75</sup> Fassmann, H., Münz R., *European East-West Migration, 1945-1992*, 1994, Sage.

<sup>76</sup> Vassilev, R., *The Roma of Bulgaria: A pariah minority*, 2007, Routledge.

<sup>77</sup> Scharpf, F. & Schmidt, V., *Welfare and Work in the Open Economy. Vol.2 Diverse Responses to Common Challenges*, 2003, Oxford University Press.

<sup>78</sup> Dyker, D., *Closing the EU East-West Productivity Gap: Foreign Direct Investment, Competitiveness and Public Policy*, 2006, University of Sussex.

<sup>79</sup> Horvat, V., *Brain Drain. Threat to Successful Transition in South East Europe?*, 2004, University of Sarajevo.

is why in contrast to other migration movements within Europe, the Roma migration is viewed as a de-Europeanizing process that Orientalizes the Occident.<sup>80</sup>

## 2.6. Roma in Bulgaria

The Roma community, both in Bulgaria and to a great extent in most of Eastern Europe, is a neglected and the most disadvantaged ethnic minority.<sup>81</sup> It is rarely politically represented, have limited resources and appalling living conditions. Furthermore, it is often subject to negative publicity and the Roma people are used as a convenient scapegoat for various issues, including for crimes related to the economic crisis during post-communist transition in Bulgaria.<sup>82</sup>

Important aspect about the Roma people present in Bulgaria is the lack of identity. Numerous communities are spread around the country and each has differences from the others.<sup>83</sup> The predominant linguistic link is the oral variants of the Romani language, which has no alphabet. In different areas of the country in addition to that, the majority of Roma people speak a dialect of at least one other language including Bulgarian, Romania or Vlach language and Turkish with the later being crucial for the research of organised migration.<sup>84</sup> Furthermore, the religion the Roma people follow varies, which in many places resulted in an interesting mixture of cultures celebrating Christian, Muslim and other holidays that are observed in the region.<sup>85</sup>

However, cohabitation between the Roma people and other ethnic groups rarely exists and Roma ghettos are segregated throughout the country. This evident disintegration of the Roma people can be traced back centuries of when they first came on the Balkan Peninsula following the Ottoman armies on they quest to Central Europe.<sup>86</sup> The Roma families never settled with the local communities, something that during

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<sup>80</sup> Cercel, C., *Romania and the Quest for European Identity*, 2019, Routledge.

<sup>81</sup> Vassilev, R., *The Roma of Bulgaria: A pariah minority*, 2007, Routledge.

<sup>82</sup> Dimitrova, R., Chasiotis, A., Bender, M., Vijver, F., *Collective identity and wellbeing of Roma minority adolescents in Bulgaria*, 2013, Routledge.

<sup>83</sup> Vassilev, R., *The Roma of Bulgaria: A pariah minority*, 2007, Routledge.

<sup>84</sup> *Ibid.*

<sup>85</sup> Marushiakova, E., Popov, V., *Roma Culture in Past and Present*, 2012, Publishing House Paradigma.

<sup>86</sup> Marushiakova, E., Popov, V., *Gypsies in the Ottoman Empire*, 2001, University of Hertfordshire Press.

the communist regime in post-war Bulgaria only worsened.<sup>87</sup> All these factors concerning the Roma in Bulgaria resulted in their mobility and willingness to migrate.

## 2.7. Human Trafficking and Modern Slavery

Both human trafficking and modern slavery are subjects that typically concern the migration process of third country nationals or refugees. It is not something that visibly relates to free movement within the EU.<sup>88</sup> However, a close study of the practices involved in organised migration, highlights several key aspects that point out the people of Stolipinovo are victims of human trafficking and eventually subject to slavery. In that respect EU Law has very strong stance on both matters, which are criminally punishable in all member states, although, very challenging to prove and often criminalised only in specific context as is the case in Bulgaria and Germany.<sup>89</sup>

For example, German Criminal Code defines the environment of labour exploitation very vaguely as to ‘work carried out under unusual conditions’. Furthermore, under the provisions related to trafficking, Germany is the country with one of the shortest maximum sentences for such crimes of 10 years imprisonment. As another example, the Bulgarian legal system, among a few other EU member states, protects only third country nationals in irregular situations as stated in the provisions concerning exploitation in employment relationships.<sup>90</sup> That is why the adoption of the Anti-Trafficking Directive at EU level plays important role in protecting citizens with policies that are victim-centered. It further emphasis on the need to work closely with migrant workers as they rarely open for issues arising in their working and living environment.<sup>91</sup>

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<sup>87</sup> Vassilev, R., *The Roma of Bulgaria: A pariah minority*, 2007, Routledge.

<sup>88</sup> Pavlou, V., *Where to Look for Change? A critique of the use of modern slavery and trafficking frameworks in the fight against migrant domestic workers' vulnerability*, 2018, Goethe Univeristy.

<sup>89</sup> European Union Agency for Fundamental Rights, *Severe labour exploitation: workers moving within or into the European Union. States' obligations and victims' rights*, 2015, Luxembourg.

<sup>90</sup> *Ibid.*

<sup>91</sup> Directorate-General for External Policies, *Contemporary forms of slavery*, 2018, European Commission.

## 2.8. The Welfare State

The welfare state plays a crucial role in the contemporary society. It aims to provide protection for its citizens in relation to healthcare, education and wellbeing. In many countries the social security systems assist members of the public in need, provide social benefits for unemployed people and help them to find a job. Another universal way the welfare state supports families, and essential for this study, is by helping them to raise their children with financial payments.<sup>92</sup> National governments adopt such strategies in the attempt to bridge the economic gap between their citizens and try to give equal opportunity to everyone.<sup>93</sup> Something, however, well utilized by the organisations examined in this study, gaining significant income by simply increasing the number of claims by guiding people through the necessary steps to make the social security system accessible to thousands of newly settled migrants.<sup>94</sup>

Furthermore, this is a topic of numerous discussions and what is the long-term effect of having such social security systems in place. Some argue that generous welfare states providing widespread accessibility to benefits for many people do not necessarily guarantee positive results.<sup>95</sup> They require complicated tax systems, endless employment regulations and other means the governments introduce in order to manage and afford the social security systems. It is also argued that welfare is a populist instrument governments utilise to achieve political stability.<sup>96</sup>

These economic and political aspects are important to take into account when discussing social phenomena in the contemporary world; however, the relation of the welfare state to this study is the impact it has on migration and vice versa. The EU countries have adapted very different systems, which are not synchronized and do not fall under the scope of EU Law. As a result, member states that have more generous systems naturally attract more migrants and low skilled workers in particular.<sup>97</sup> That movement increased to an extent that put many social security systems at risk of

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<sup>92</sup> Bejerholm, U., Larsson, L., Hofgren, C., *Individual placement and support illustrated in the Swedish welfare system: A case study*, 2011, Lund University.

<sup>93</sup> Blauburger, M., Schmidt, S., *Welfare migration? Free movement of EU citizens and access to social benefits*, 2014, Sage.

<sup>94</sup> Voll, F., *Inside Duisburg-Marxloh*, 2016, Orell Füssli Verlag.

<sup>95</sup> Lindbeck, A., *The end of the middle way? The Large welfare states of Europe. Hazardous Welfare-State Dynamics*, 1995, American Economic Association.

<sup>96</sup> Urinboyev, R., *Living Law and Political Stability in Post-Soviet Central Asia. A case study of the Ferghana Valley in Uzbekistan*, 2013, Lund University.

<sup>97</sup> Berg, J., *Labour Markets, Institutions and Inequality. Building just societies in the 21<sup>st</sup> century*, 2015, Edward Elgar.



collapsing, which resulted in calls for reforms and even in a speech by the Dutch King Willem-Alexander for the end of the welfare society.<sup>98</sup>

As a result of such reforms one of the last member states with very accessible welfare system is Germany. Consequently, the migration influx in recent years has seen a noticeable increase, part of which is the Roma community from Stolipinovo. According to Mario Draghi, the former President of the European Central Bank, as the wealthiest EU member state and the country with largest economy, Germany does not suffer so evidently of that movement as other countries, however, it will also need to rethink the country's social security system, eventually ending this social model.<sup>99</sup>

Benefits are the main financial income for migrant groups like the one in Duisburg and welfare changes with protectionist policies will likely have significant impact on them.<sup>100</sup> In that sense legislative reforms in such direction might destabilize an already fragile social makeup allowing further abuse on the freedoms of the Roma people by the structures behind organised migration. Whether that happens or not, the role welfare played in post-war Europe is apparent.<sup>101</sup> Sweden is a good example of the importance of the welfare system and the close correlation between its development and the culture of consensus in the country. However, many scholars argue that the welfare reforms were initiated as a means of addressing political and social stability.<sup>102</sup> Therefore, dismantling the welfare state certainly requires strong political will and a sustainable alternative if vulnerable communities like the people from Stolipinovo are to be protected.<sup>103</sup>

### 3. Research question

Starting with the sub-questions in this chapter, presents the foundation of the data collection that reflect in the main research question to be addressed by this study.

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<sup>98</sup> The Independent, *Dutch King Willem-Alexander declares the end of the welfare state*, 2013, <https://bit.ly/2BsUXVa> accessed 15 Mar 2020.

<sup>99</sup> Mazzocchi, R., *The role of welfare state in a globalized world and within the EU. Building Welfare Society*, 2014, Barcelona.

<sup>100</sup> Voll, F., *Inside Duisburg-Marxloh*, 2016, Orell Füssli Verlag.

<sup>101</sup> Koch, M. & Mont, O., *Sustainability and the Political Economy of Welfare*, 2016, Routledge.

<sup>102</sup> Urinboyev, R., *Living Law and Political Stability in Post-Soviet Central Asia. A case study of the Ferghana Valley in Uzbekistan*, 2013, Lund University.

<sup>103</sup> Ervasti, H., Andersen J., Fridberg T., Ringdal, K., *The Future of the Welfare State. Social Policy Attitudes and Social Capital in Europe*, 2012, Edward Elgar Publishing Ltd.

Forming suitable research questions is key for the effective gathering of empirical data that can give better aspect about the issues concerning the EU migrants from Stolipinovo. The focus on such migrants is on these that are currently residing, or have resided in the past in Duisburg, Germany. The push and pull factors are a good starting point, addressing what are the key reasons for the migrants to choose Germany as their new home:

- What are the reasons behind your decision to leave Stolipinovo?
- Why Duisburg was your preferred destination once you decided to move to Germany?
- How did you expect your life to improve by moving to Duisburg?
- What is your way of improving your understanding of the local language?

Secondly, the formulation of questions about the reasons why the migrants from Stolipinovo decided to migrate by trusting the organisations, instead of doing so on their own is necessary. Finding out whether the decisions made were voluntarily or they were forced on them by a structure is crucial for the study of organised migration.

- How did you find out about the people facilitating the new life in Duisburg?
- The kind of requirements you had to fulfill to be accepted in the group?
- What kind of documents were requested from you?

Lastly, examining how the organisations deal with settled migrants and what is the future for the newly formed Bulgarian community in Duisburg is giving the study a better perspective for the current situation. Integration is key in the contemporary European society and policies in that direction adopted by the host MS are something the work is looking into. That is why in order to assist the aim of the study the following research question followed by three sub-questions were adopted:

- **Organised free movement of people within the EU and what is behind it?**
  1. Is organised migration falling under the fundamental right of free movement of persons within the EU?
  2. What are the push and pull factors for the people of Stolipinovo that chose Duisburg as their new home?
  3. The socio-legal tendencies in contemporary Europe – the role of the welfare state and how economically inactive EU migrants fit in it?

#### **4. Methodology & Data collection**

The study adopts a bottom up approach and involves qualitative research conducting interviews, fieldwork observations and analysis of the current legal framework. With the approaches adopted being qualitative it allows the research to examine the application of Pound's 'law in action' and to refer to the classical Sociology of law literature by applying Ehrlich's definition of "living law".<sup>104</sup> A notion that defends the necessity of skilled empirical research, which is taking into account the social facts of law and detailed analysis of state law.<sup>105</sup>

The inductive approach as a method of this research begins with an empirical investigations of organised migration from Stolipinovo to Germany. The main aim of this is to conceive a new perception of the relevancies of the social phenomenon by observing the viewpoint of the actors involved. The empirical data gives a conceptual interpretation to identify a systematic pattern of variations. The variations are then used as the guiding line in the formulation of hypotheses, which are then subjected to the various methods of testing, by the use of hard evidence, resulting into the adoption of a theory.

##### **4.1. Bottom up approach vs deductive approach**

For the purpose of examining the phenomenon of organised migration the study adopts an inductive approach. The bottom up approach is associated with behaviorism and pragmatism.<sup>106</sup> This entails deriving generalities of correlations from specific observations that have been portrayed in a large number of similar cases. Important characteristic of the bottom up approach is its flexibility. Regardless how precise the researcher tries to be, it is hard to predict the outcome of the research. The data collected in fieldwork covers conversations, impressions and observations creating data that can change the perspective of the research, therefore it is not always possible to set prior theoretical framework.<sup>107</sup>

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<sup>104</sup> Banakar, R., Travers, M., *'Theory and Method in Socio-legal Research'*, 2005, Hart Publishing.

<sup>105</sup> Hertogh, M., *'Living Law: Reconsidering Eugen Ehrlich'*, 2009, Hart Publishing.

<sup>106</sup> Banakar, R., Travers, M., *'Theory and Method in Socio-legal Research'*, 2005, Hart Publishing.

<sup>107</sup> Flood, J., *'Socio-Legal Ethnography'*, 2005, Hart Publishing.

## 4.2. Interviews

In order to collect relevant empirical data **semi-structured interviews** with the focus group will be conducted, aiming to have between 8-10 (ended with more than three times that number) such interviews. The purpose of which is to have an inside view of the group as in how, why and what influences their decision process when determining the destination/ location of their future residence. The number of interviews has increased significantly than what was initially intended as a result of the availability of the participants and in order to have a broader sight increasing the number of aspects covered by the study.

Typically the interviews started with questions about the participants in order to determine whether they belong to the focus group. Having more information about them as starting point, the questions that followed aimed to understand more about the process of leaving Bulgaria and heading to Germany, how it happened, who facilitated, what were the expectations of the migrants, etc. Depending on the responsiveness of the participants, later questions focused more on the role of the organisations in the whole process, what is the interaction between them and the migrants and the conditions in Germany provided by the organisations.

With either **narrative interviews or in-dept interviews** the study aims to examine the position of the authorities and governmental institutions. This, of course, is a minor risk of gathering very politicised information and is depending on the availability of the local authorities. Initially, up to two such interviews were to be conducted in the geographical location of the settlement of the focus group and the second one in the area from where the group in question originates. However, due to the changing environment in which the data collection of the study was conducted, in-dept interviews were conducted only with employees from the council in Plovdiv, Bulgaria. Still, the adopted method delivered important information that further directed the focus of the research and data gathering process.

## 4.3. Legislation

For the purpose of conducting a socio-legal study, important part of the data collection is the filtering and examination of **legislation and case law analysis**. As social security is not harmonized at EU level, it is necessary to look into what is the

national legislation of the host MS concerning economically inactive EU migrants. Furthermore, relevant cases from the European Court of Justice will give a broader perspective of the position and rules under EU law.

EU case law has a wide range of cases concerning migrants and their rights. In order to collect relevant data there is a number of cases that need to be examined. For that reason ECJ and Germany court cases are filtered to recent judgments that were decided after the 2007 Lisbon Treaty. As the amendments in the Treaty implement many changes in the EU functioning structure and treatment of migrants, which resulted in a significant number of court decisions, a further categorization of the cases for the research is required. That is why they should be involving EU migrants that are not self-sufficient and are economically inactive, residing in host MS.

It is not necessary the main focus to fall on cases with migrants residing in Germany, as EU court decision reflect the treatment of migrants in all member states. Still, the research will include a selection of cases that involves migrants residing in Germany, despite that the judgments are not considered primary in EU Law context.

A useful tool for finding such cases is the EU Court of Justice search engine (CURIA), which is the officially used by the European Commission. Another instrument for selecting relevant cases is Westlaw, which is a primary online legal research service that contains not only case law, but also legislation, legal journals and academic materials, making it one of the most reliable databases. Examining legal articles and using the above methods for selecting relevant cases for the research, proved to be a very effective approach.

It is important to review all three elements as they give a better perspective of the development of law with the influence of society and the EU's citizens needs.<sup>108</sup> The in-depth analysis of legislation and how it came to being is vital as it is the policy-making mechanism, which deals with the implementation of legal acts that would allow for broader scope of the EU's free movement of people fundamental right.<sup>109</sup>

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<sup>108</sup> Niessen, J., *'The starting line and the promotion of EU Anti-discrimination legislation: The Role of Policy Oriented Research'*, 2000, JIMI.

<sup>109</sup> Banakar, R., Travers, M., *'Theory and Method in Socio-legal Research'*, 2005, Hart Publishing.

#### 4.4. Ethnographic research

Despite not being the initial intention, the study of organised migration involves participant observation method in Stolipinovo. Due to the Covid - 19 pandemic and the post factum return of many migrants to Bulgaria and Stolipinovo in particular, this allowed further interaction with the community. This phenomenon gives a good opportunity to study the focus group as an objective observer, without using scripted questions in interview form or other subjective information gathered in advance.<sup>110</sup>

Generally, ethnographic studies are not associated with policy evaluation, however, they can present a unique view of how the Romani communities adapt to the legal and political frameworks in Western European societies and how they respond to legislation changes that directly affect their livelihoods.<sup>111</sup>

Preparation for the ethnographic fieldwork started long before going to the research area, despite that it was not the first choice of method. The preparation process involved groundwork how to understand and study the possible contexts, which may or may not occur during the visit of Stolipinovo. That is something that has been also the process of accumulating previous experiences interacting with the focus group.<sup>112</sup>

Ethnographic research with participant observation method is well fitting the study of organised migration as this approach allows becoming part of the group that is being studied, while collecting data and trying to understand the social phenomenon.<sup>113</sup> As it is the case with the migrants from Stolipinovo, I had to make sure the participants do not confuse me with a journalist or a politician (both things I was called in a few occasions) and that they were aware that they are the subject of a study, allowing me to take fieldnotes, providing vital information for the analysis later of what and how I have witnessed during the fieldwork.<sup>114</sup> These notes were later crucial when drafting the gathered data into a context of the study reminding me as a researcher of the numerous events and conversations that occurred.

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<sup>110</sup> Blommaert J. and Jie, D., *Ethnographic Fieldwork. A Beginner's Guide*, 2010, Multilingual Matters.

<sup>111</sup> Magazzini, T., Piemontese, S., *Constructing Roma Migration. European Narratives and Local Governance*, 2019, Springer Open.

<sup>112</sup> Blommaert J. and Jie, D., *Ethnographic Fieldwork. A Beginner's Guide*, 2010, Multilingual Matters.

<sup>113</sup> Banakar, R., Travers, M., *Theory and Method in Socio-Legal Research*, 2005, Hart Publishing.

<sup>114</sup> Blommaert J. and Jie, D., *Ethnographic Fieldwork. A Beginner's Guide*, 2010, Multilingual Matters.

## 5. Socio-legal context

Probably the most important element in that sort of mass migration is that it is an organised process – by individuals playing their part in organisations that are taking advantage of the migrants' needs and their rights of free movement within the EU. The organised aspect of migration jeopardises a number of core values the EU stands for and puts free movement rights at risk of becoming an insurmountable burden on the member states of the European Union.<sup>115</sup>

National legal systems of the EU member states are the instruments in place to protect the rights and freedoms of the population, structures that have the rule of law as their foundation. The complex formations of these systems are the result of centuries of societal evolution in which the two main components are indeed law and society.<sup>116</sup> They are also the two elements forming the subject of sociology of law, a field that experienced rapid development in the 20<sup>th</sup> century, however, subject matter with a continuous process of change in the environment of the contemporary world. The reasons for that are the constant impact of society on law, but also the impact of law on society, as well as the interaction between the two elements.<sup>117</sup>

That is why the function of the legal system is to adopt legislation corresponding to the needs of the society it serves, as well as to regulate certain social norms so they obey the law. For that purpose the rule of law utilises both of its main weapons, the institutions and law enforcement.<sup>118</sup> However, there are structures that function informally in the society, still, they are very powerful and in solid position to do so. That is possible as such organisations have very profound knowledge of the legal realm and take full advantage where this is legally possible. The informal structures manage to handle their practices in a way that they do not visibly breach the regulations in the host member state, but in the same time efficiently take advantage of them. These organisations are flexible and that is what makes them very strong. They are in position in which the authorities and law enforcements have a challenging task to establish whether their actions are illegal or fully comply with the law.

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<sup>115</sup> Basile, L., Olmastroni, F., *Sharing the burden in a free riders' land: The EU migration and asylum policy in the views of public opinion and politicians*, 2019, University of Siena.

<sup>116</sup> Hertogh, M., *'Living Law: Reconsidering Eugen Ehrlich'*, 2009, Hart Publishing.

<sup>117</sup> Baier, M., Svensson, M., Nafstad, I., *Understanding Sociology of Law*, 2019, Studentlitteratur.

<sup>118</sup> Bigo, D., & Guild, E., *Controlling Frontiers: Free movement into and within Europe*, 2017, Routledge.

Technically the structures behind organised migration might function accordingly with national law, nevertheless, also rely on the supremacy of EU law. The slow bureaucratic procedures work in their favour as by the time the EU and national legislative bodies analyse how law impacts society and vice versa, the organisations come up with a new strategy with which they can take advantage of other regulatory aspects. Consequently, the powerful position the organisations have, allows them to manipulate the environment they operate in. By focusing on vulnerable groups that fulfill the characteristics for their activities, the informal structures influence them and that way manage to establish significant control over a community.

In this study of organised migration it is evident that the organisations have achieved full control over the Roma people from Stolipinovo. They deal with the personal data of a great number of people; hold their ID cards and passports, bank accounts, birth certificates, etc. Despite acquiring such information with the consent of the migrants in most cases, that potentially breaches several laws by putting these persons and their families in a dependent situation. That is a key aspect defining contemporary human trafficking, however, something well hidden from the authorities.

Furthermore, it is apparent that the organisations have no immediate interest of helping the migrants to integrate into the social structure of the host society. In fact, it is likely that they manage the groups in a way that integration becomes a very difficult and slow process. Even though the German state and the local authorities have implemented a number of policies to assist the migrants in the transitions,<sup>119</sup> there is resistance that is evident and even encouraged by the organisations.

As a result of utilising these gaps between what is legal and the social phenomenon, the organisations have nearly full control on the migrants in relation to their residence, job opportunities, access to the social security systems and voting rights for local elections in the host MS and national elections in Bulgaria.<sup>120</sup> With the later being a direct impact on electoral results and a threat for democracy reveals the socio-legal aspect of the phenomenon and the impact organised migration has on society.

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<sup>119</sup> North Rhine-Westphalia, *Integration in der Kommune*, <https://bit.ly/39Ygr8G>, accessed 8MAR2020.

<sup>120</sup> Banakar, R. & Travers, M., *Theory and Method in Socio-legal Research*, 2005, Hart Publishing.



## Law's shifting boundaries<sup>121</sup>

Regulating behaviour and a path to secure social integration are among the key functions of law.<sup>122</sup> Legislation and the law as a whole can be viewed from different angles. Sociologists and lawyers can identify different aspects from the same case, without contradicting with each other.<sup>123</sup> However, the importance of that can differ in the final decision or conclusion made based on what is identified.<sup>124</sup> The aim for legal studies is to narrow down the way how the law can be more effective, however, phenomenon and fundamental right like free movement and globalization as a whole complicates that process.<sup>125</sup> The lack of a unified legal system or as it is the case with the European Union, a number of systems with various differences, raises many issues, including the management of national social security systems.<sup>126</sup> EU law acts as a supreme tool aiming to narrow down legal injustice within the union, however, there is a long way until migrants enjoying free movement of person within the EU can rely solely on a single piece of legislation collection.<sup>127</sup>

## 6. Theoretical framework

The interrelation between **power and knowledge** is key for the theoretical part in order to understand the concept of government's social control over individuals. In cases involving migration understanding social control is important for the analysis for examining integration policies adopted by the institutions. Furthermore, the implementation of **governmentality** allows to examine power from both Foucault's and Weber's perspectives.

In supplement to the other theories one of the main adopted in the study is the **pull and push factors theory**. It is one of the most important theories employed for the studies of the migration tendencies of the national population and immigrants. It examines what makes people decide to change residence, the reasons behind the

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<sup>121</sup> Banakar, R., *On Socio-Legal Design*, 2019, Lund University.

<sup>122</sup> Deflem, M., *Sociology of Law. Visions of a Scholarly Tradition*, 2008, Cambridge University Press.

<sup>123</sup> Banakar, R., *Normativity on Legal Sociology. Methodological Reflections on Law and Regulation in Late Modernity*, 2015, Springer.

<sup>124</sup> Banakar, R., *On Socio-Legal Design*, 2019, Lund University.

<sup>125</sup> Michaels, R., *Globalisation and Law: Law Beyond the State*, 2013.

<sup>126</sup> Koch, M. & Mont, O., *Sustainability and the Political Economy of Welfare*, 2016, Routledge.

<sup>127</sup> Michaels, R., *Globalisation and Law: Law Beyond the State*, 2013.

migrants need for living abroad and how they select the future destination of resettlement.

Furthermore, the concepts of **societal security** is relevant to the study with the emphasis of how contemporary society organizes in response to risk, and **biopolitical governance** with focus on the idea that when a society is at risk it must be defended.

### 6.1. Foucault's Power and Knowledge

Central to the formation of the theoretical framework part of the study is the work of the French social theorist and philosopher Paul-Michel Foucault. Significant focus of his work is on the relationship between power and knowledge and how societal institutions use them in order to achieve social control.

According to Foucault power is everywhere and comes from everywhere. In his own words "Power is not something that is acquired, seized or shared, something one holds on to or allows to slip away".<sup>128</sup> For him power is relational and it can hardly be apparent without being exercised.<sup>129</sup> Power is not necessarily an instrument exclusively for institutions as power is exercised at multi levels through many dimensions.<sup>130</sup> Power is what makes people what they really are or as Foucault says "power is exercised by virtue of things being known and people being seen".<sup>131</sup>

Furthermore, according to Foucault, power is based on knowledge and makes use of knowledge. It is not possible for power to be exercised without knowledge; thus, it is impossible for knowledge not to engender power.<sup>132</sup> He views power as a positive term, rather as a negative one. As something positive that produces both reality and domains of objects and rituals of truth.<sup>133</sup>

The implication of the relation between power and knowledge is the control the organisations have over the migrants in relation to organised migration. Knowledge is gained in many ways, however, a common practice in establishing control over a

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<sup>128</sup> Dreyfus, H. L., & Rabinow, P., *Michel Foucault: Beyond structuralism and hermeneutics.*, 1983 Brighton: Harvester Press.

<sup>129</sup> Simon, J., *Between Power and Knowledge: Habermas, Foucault, and the Future of Legal Studies*, 1994, The Law and Society Association.

<sup>130</sup> Cotterrell, R., *The Sociology of Law. An Introduction*, 1984, Butterworths.

<sup>131</sup> *Ibid.*

<sup>132</sup> Gordon, C., *Power/Knowledge. Selected interviews and other Writings 1972-1977*, Michel Foucault, 1980, Pantheon Books.

<sup>133</sup> *Ibid.*

group of people is by providing misleading information or manipulated knowledge. Achieving such power allows the organisations to influence knowledge distributed in the group and vice versa; having control over the knowledge, gives them power.

## **6.2. Governmentality**

Furthermore, it is argued that knowledge is historical and political in nature regardless of its type.<sup>134</sup> Therefore, all scientific knowledge and common sense have some history and political connotation as human interests shape knowledge as opposed to objectivity. Therefore, it is not possible to have objective knowledge because all knowledge springs from human perspectives that are subjective in many cases. Knowledge does change overtime and this is why the historical aspect emerges.<sup>135</sup>

For Foucault power is not only with a top – down structure that is hierarchical and puts the state on the top of the pyramid. According to him governments have a much wider role in gaining social control by being an active player and exercising power on all levels of the pyramid.<sup>136</sup> By achieving this, power produces knowledge, which knowledge on the other hand enables populations to govern themselves, resulting in an efficient structure of social control. Foucault finds this process as an art that he labels *governmentality*, a neologism combining government and Weber’s rationality. The term also links the concepts of power & knowledge and biopolitics, putting the idea of government that is going beyond state politics.<sup>137</sup>

Furthermore, for Weber, rationality is the quality of the state to be rational. By making the link with rationality, Foucault’s governmentality also addresses Max Weber’s cult of power, who believes in a more authoritarian ruling by stronger state in a power state democracy.

## **6.3. Biopolitical Governance and Societal Security**

In order to further emphasize the importance of Foucault’s theory of power it is necessary to examine the concept of biopower. It is the application of power in order

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<sup>134</sup> Scambler, G., *Critical Theory*, 2011 WII HIBS.

<sup>135</sup> Bronner, S., *Critical Theory: A very short Introduction*, 2010, Oxford University Press.

<sup>136</sup> Deflem, M., *Sociology of Law. Visions of a Scholarly Tradition*, 2008, Cambridge University Press.

<sup>137</sup> Morton, S. & Bygrave, S., *Foucault in an age of Terror. Essays on Biopolitics and the defence of society*, 2008, MacMillan.

to establish control over entire communities and manage their social behaviour.<sup>138</sup> Therefore, biopower is a concept suitable to deal with migratory issues in order to either allow or limit the movement of persons. Foucault's position on biopolitical governance is that 'society must be defended' and by controlling the biological element, or in other words the people, is the way to protect it.<sup>139</sup> In his lecture 'Security, territory, population', Foucault further includes that biopower integrates in its own way the technology of disciplinary power in order to achieve the goal of social control.

An established way of defending society is societal security, which examines the threat and implements necessary measures. Tool utilized in societies with particularly strong cultural identity that might be under endangerment by overflowing migration in terms of continued or mass migration.<sup>140</sup> Policies for long-term integration are not tools available to that mechanism, as it aims to limit migrants with cultural or ethnic differences from the population of the home member state.<sup>141</sup>

#### 6.4. Ideology

According to critical theorists, the three forms of knowledge have blurred lines such that they cannot be thought of as entirely separate. Emancipatory knowledge has broadly been understood as political knowledge. Consequently, this knowledge has been considered so powerful that it can interpret all other forms of knowledge regardless of their constitutive interests or purpose.<sup>142</sup> This nature of political knowledge is critical to the other more important concept of critical theory – ideology.<sup>143</sup> It is necessary to draw distinction and not confuse ideology with political or emancipatory knowledge. In addition, ideology has nothing to do with political programmes or orientations. Instead, ideology is any kind of knowledge that is pure and free from political interest. This knowledge could be emancipatory, practical or

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<sup>138</sup> Morton, S. & Bygrave, S., *Foucault in an age of Terror. Essays on Biopolitics and the defence of society*, 2008, MacMillan.

<sup>139</sup> *Ibid.*

<sup>140</sup> Ervasti, H., Andersen J., Fridberg T., Ringdal, K., *The Future of the Welfare State. Social Policy Attitudes and Social Capital in Europe*, 2012, Edward Elgar Publishing Ltd.

<sup>141</sup> Morton, S. & Bygrave, S., *Foucault in an age of Terror. Essays on Biopolitics and the defence of society*, 2008, MacMillan.

<sup>142</sup> Cotterrell, R., *The Sociology of Law. An Introduction*, 1984, Butterworths.

<sup>143</sup> Leckie, G., Given, L. & Busohman, J., 'Critical Theory for library and information science: Exploring the social from across the disciplines', 2011, Libraries Unlimited.

technical. In other words, an ideology is knowledge that is neutral, factual and objective in nature. Interestingly, critical theory acknowledges that ideology is the kind of knowledge that is the most ‘interested’, meaning that it has been branded as possessing an overbearing matter of fact. These facts are always portrayed as neutral, objective or self-evident although they have much to do with social interests.<sup>144</sup>

Ideology has been defined in the dictionary as “a systematic scheme of ideas, usually relating to politics or society, or to the conduct of a class or group, and regarded as justifying actions”.<sup>145</sup> Illustrations have been given in the dictionary to the effect that people hold ideological ideas or beliefs implicitly or adopt the same as a whole regardless of the attendant. Consequently, it can be said that an ideology is a set of ideas or knowledge used to justify actions with political or social implications and that are obviously commonsense or natural to be beyond criticism. It should also be noted that the social acts to be justified through ideology always have close links with powerful economic and social interests.<sup>146</sup> For instance, in the 19<sup>th</sup> century UK, the same country that puts children’s security of highest priority nowadays, had viewed keeping children out of schools in order to work in factories as a productive and necessary step for achieving economic goals. Arguments that education would make the society a better place in the long-term were not of great validity at the time. Even members of parliament went as far as supporting regulations that legalize child labour claiming that no principle of humanity would be violated.<sup>147</sup>

Therefore, critical theory will serve to great extent understanding the challenges surrounding the surge in EU migrants into Germany. The subject may seem fragile to warrant in-depth analysis, but there are numerous social, political and economic aspects underlying it, which have to be considered in salient details. For instance, the rights of EU migrants should not be viewed solely as persons exercising the fundamental right of free movement, but also as human beings when implementing any regulations as to social security.<sup>148</sup> The in-depth analysis of legislation and how it came to being is vital as it is the policy-making mechanism, which deal with the

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<sup>144</sup> Cotterrell, R., *The Sociology of Law. An Introduction*, 1984, Butterworths.

<sup>145</sup> Oxford English Dictionary, <https://bit.ly/2xVAzdU>, accessed 11March2020, Oxford University Press.

<sup>146</sup> Bronner, S., ‘*Critical Theory: A very short Introduction*’, 2010, Oxford University Press.

<sup>147</sup> Scambler, G., ‘*Critical Theory*’, 2011, WII HIBS.

<sup>148</sup> Cotterrell, R., *The Sociology of Law. An Introduction*, 1984, Butterworths.

implementation of legal acts that would allow for broader scope of the EU's free movement of people fundamental right.

### **6.5. Structural-functional theory**

Structural-functional theory holds the view that the success of a society depend on the role played by each member of the society. The application of the theory alludes to the functionality of the human body where the body cannot function properly if one part of its body, for example the brain, is not playing its role or is not fully functioning. In a similar way, a complex synergy of s society is doomed to destruction if one or some of its members are not playing their roles as expected. The structures of a society need to work together, in a complementing manner to maintain the strong fiber and for endurance.<sup>149</sup> The structures of a society include different government and private institutions, as well as individual members.

The application of the Structural-function theory to the present social phenomenon in Germany leads to an unfavorable decision for the migrants. The theory suggests that every member of the society has a duty to play. There is no one who is expected to ride on others' shoulders. All EU citizens, including the migrants in host MS need to perform their role if the society is to advance. If the migrants decide that they will not participate in the development of the economy and that they are going to be dependents on those who are economically active, the whole system will fail. The economic crisis can be taken as a classical example for this failure. Many commentators have blamed benefit tourism for the economic crisis in Europe.<sup>150</sup> Basing on this theory, members of the society must be encouraged to perform their roles. There is, therefore, urgent need to curb benefit tourism for the general welfare of the EU in general and Germany in particular.

### **6.6. Push-pull factors theory application**

In order to establish what convinces such large number of people to relocate and look for opportunities elsewhere, but still to decide to settle in the exact same location, the push- pull factors theory is to be applied.

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<sup>149</sup> Deflem, M., *'Sociology of Law'*, 2008, Cambridge University Press.

<sup>150</sup> Dimou, N., *The bailout crisis: Germany's view of how Greece fell from grace*, 2015.

Normally, the economic situation is a key element in the analysis of the push and pull factors of migration, focusing on the employment opportunities, minimum and average wage differences and other factors related to the job market.<sup>151</sup> However, the situation with the migrants from Stolipinovo is not entirely such case. Most of them have no previous employment and are neither job seekers in the host country, therefore career opportunities in Germany nor the lack of such in Bulgaria cannot be viewed as major pull – push factors respectively.

As the poorest MS in the EU, Bulgaria naturally also has the lowest amount of monthly payments made by the social security system.<sup>152</sup> That is a likely push factor that makes many families seek for better life conditions elsewhere. However, with pointing that out also the living costs in Bulgaria should be taken into consideration and the fact that they are some of the lowest in the EU, meaning that for the money a household has gets more for them. Even though theoretically that is true, it is hard to determine whether life quality improves receiving more in a more expensive environment, rather than having less, but also spending less for comfortable living.

Therefore, as a major push factor, might be viewed the poor living conditions and the lack of integration of the Romani community in Bulgarian society.<sup>153</sup> Almost all around the country Roma people are segregated, live in isolated areas and are rarely part of the day-to-day activities that the majority of people enjoy. This does not apply exclusively for Bulgaria, but is the case for most places on the Balkan Peninsula where Roma communities are present.

The pull factors that lead migrants to Germany are quite clear, with the country's job market being the biggest in the EU and the economy one of the strongest in the world. With minimum wage almost five times higher than in Bulgaria, Germany surely offers a better financial rewards.<sup>154</sup> Furthermore, Germany has a generous social security system, allowing easy access to benefits for all EU migrants. As part of the system, it offers some of the highest monthly child supports and a number of other services assisting with taking care of both children and elderly people. In addition, the

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<sup>151</sup> Ervasti, H., Andersen J., Fridberg T., Ringdal, K., *The Future of the Welfare State. Social Policy Attitudes and Social Capital in Europe*, 2012, Edward Elgar Publishing Ltd.

<sup>152</sup> Eurostat, *GNI data collection 2019*, accessed 10MAR2020, <https://bit.ly/2vrykhn>.

<sup>153</sup> Vassilev, R., *The Roma of Bulgaria: A pariah minority*, 2007, Routledge.

<sup>154</sup> Country Economy – NMW, *Germany minimum wages*, accessed 8MAR2020, <https://bit.ly/2xJS5S5>.

well-developed infrastructure is very lucrative, with migrants rarely settling in rural areas, but starting their new lives in larger cities and busy economic centers.

However, in this case, major pull factors are the promises made by the organisations to the people from Stolipinovo. Rapid income, easier life, better housing and countless benefits are only part of the improvements promised to the migrants and what they will experience once settled in Germany. Providing knowledge that via the organisations is the only way to achieve that, grants the organisations with power over the migrants once they arrive in host member state.

## **7. Data Collection**

For the purpose of conducting the study and finding relevant answers for the research questions, a timeline has to be followed. The qualitative data and its collection process are a core part for adopting that method, which is divided in two main stages.

### **7.1. Stolipinovo, Bulgaria**

The first one involves data collection conducted in the Stolipinovo suburb of Plovdiv, Bulgaria by focusing on the local community, which is currently residing there. Regardless of the intentions of the people living in the area, whether they have returned or plan to leave or have no desires of changing residence, that part of the research aims to study the push factors forcing such a large number of people to migrate. For that purpose nearly a dozen semi-structured interviews were carried out.

Another part of the first stage is to communicate with the local authorities. Initially, an in-dept interview was scheduled and to be conducted in the offices of the Plovdiv municipality, however, due to the outbreak of COVID- 19 in early 2020, it was made over the phone with a follow up call a few weeks later.

The information gathered in that part of the research gives a better understanding of the background the migrants come from. For the purpose of the study it is important to recognize the main push factors as to what they hope to improve by migrating. Furthermore, it shows what is the basic standard of that community and why they believe it can be improved elsewhere.



## **7.2. Duisburg, Germany**

Initially, the second stage of the data collection for the qualitative research is to be conducted in the area with the largest number of migrants from Stolipinovo, which as the empirical data shows, in Duisburg, Germany. In this step the number of the interviews depends on the availability of migrants that currently reside in the German city, with focus on people that confirm to be part of the organised groups that departed from Stolipinovo. By examining that particular demographic group, the study gives an inside perspective of the pull factors that have attracted them and what Duisburg offers to the migrants that Plovdiv and the vicinity could not.

Main challenge with that part is finding the right people in environment very different than the one in Stolipinovo. Convincing the migrants to openly share their experience is another important step in that process. The information gathered should not put any of the migrants at risk from neither the organisations nor the authorities. Therefore, the data collection is to be executed in a respectful manner with a suitable approach that fits the environment in the Duisburg community.

## **7.3. The COVID – 19 Effect**

Unfortunately, due to the travel restrictions imposed mid March 2020, the second stage of the data collection had to be readjusted. Instead of traveling to Germany, a second visit to Stolipinovo was made in mid April for the Easter holiday or Patrangi holiday, as it is known in the Roma community. The idea behind choosing the holiday period for conducting interviews is that traditionally many migrants return to their home member states to visit friends and family.

Furthermore, according to the German media Deutsche Welle<sup>155</sup> and major Bulgarian news networks,<sup>156</sup> citing the Bulgarian border agency, hundreds of thousands of Bulgarian migrants have returned to the country since the outbreak of the pandemic in Europe in only two weeks period between mid March and the end of the same month in 2020. Movement of persons at such large scale gives the research a unique opportunity to have first hand contact with people that have experienced life as migrants, most of which returning from Western EU member states, including

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<sup>155</sup> Deutsche Welle, <https://bit.ly/2LhZ8oE>, accessed April 2020.

<sup>156</sup> NOVA News, <https://bit.ly/3fCKq9u>, accessed April 2020.

Germany, and the Occident world in general. Furthermore, according to the residents of Stolipinovo, confirmed by the council personnel, hundreds, if not thousands have returned to the district only in April in the period prior Easter. With that being said, the fieldwork and finding a satisfying number of participants looked very promising and was worth the hustle of going there again during the pandemic period with all the restrictions in hand.

#### **7.4. Holiday season in Stolipinovo**

On that occasion the visit to Stolipinovo was very productive and resulted in nearly twenty interviews made during the day with a number of migrants that have either returned permanently or only for a few weeks for the holidays and while the pandemic restrictions last.

Due to the nature of interaction with the people in the neighbourhood, it was on that second visit that I have decided to adopt ethnographic approach for the research. The majority of the residents welcomed me warmly, eager to share their views and experiences on migration and life in Germany. I was invited to join the celebrations and used to opportunity to collect more data in a more casual form of communication and simply by observing the focus group of the study. By doing so, it was made clear beforehand the reasons for my presence, which allowed me to take notes during the time spent there.

It was during the second visit I was invited to join the celebrations on another big holiday in the Roma calendar, called Ederlezi. Traditionally celebrated on the 6<sup>th</sup> of May, it is a national holiday in Bulgaria, celebrating St George, known in the Roma community as the saint that saved the Roma people. In 2020, the same day, coincidentally, was also the first day of lifting the restrictions for Bulgarian citizens to travel freely without requiring a valid reason or permission between cities in the country.<sup>157</sup> For that reason and the promise that I will be introduced to migrants that have just returned from Duisburg, but still have family members there, I made a third visit to Stolipinovo.

The approach remained the same as on the second fieldwork day, with the aim to gather data by observation and semi-structured interviews with the migrants.

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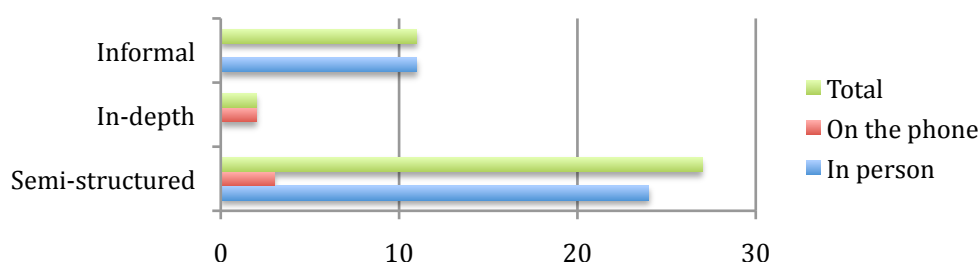
<sup>157</sup> Ministry of Health, *City checkpoints*, 2020, <https://bit.ly/3bPYWaV>, accessed 8 May 2020.

Normally, celebrations are mostly on the streets of the neighbourhood, making it very easy to contact people and interact with the community. Unfortunately, on that day the weather did not create conditions suitable for such celebration forcing most of the people to stay indoors. However, thanks to my previous contacts, I still managed to gather satisfying amount of data with which the data collection process of the study was concluded.

## 8. Data Presentation and Analysis

### 8.1. Interviews

The data gathering process for the research was in the span of nearly 3 months period, starting in the end of February and finished on the 8<sup>th</sup> May 2020. During that time I made three separate visits to Stolipinovo neighbourhood in Plovdiv, Bulgaria where in person I conducted 24 semi-structured interviews with people that have lived or still live in Duisburg, Germany. Furthermore, in Stolipinovo I also adopted ethnographic approach for collecting data as I participated in the festivities of two of the holidays celebrated by the local community – Patragi (Easter) and Ederlezi (St George day)<sup>158</sup>, during which I had eleven informative conversations with participants. Additionally to the semi-structured interviews, I made three interviews over the phone with migrants that were at the time in Duisburg, the phone numbers of which I acquired from their relatives in Stolipinovo. All of the interviews and fieldwork participation were conducted in Bulgarian language.



#### Conducted interviews

Moreover, during my first journey to Plovdiv, I visited the local council where I introduced myself and had a meeting scheduled for the end of March to interview

<sup>158</sup> Marushiakova, E., Popov, V., *Roma Culture in Past and Present*, 2012, Publishing House Paradigma.

social workers involved with the matters of Stolipinovo. Unfortunately, the meeting had to be rescheduled and at the end canceled because of the outbreak of the Covid-19 pandemic. However, I made two separate in-depth interviews on the phone, which were my only interaction with personnel from the local authorities. Both interviews took nearly 30 minutes; the first one was conducted on the 10<sup>th</sup> April and the second one two weeks later after the Easter holidays.

## **8.2. Observations**

During two of my three visits to Stolipinovo I engaged with the local community as an observer as part of the adopted ethnographic approach for data collection. For the purpose of the analysis, I will separate the focus group into three tiers of how aware they were about me. On both occasions Tier 1 participants were aware of my presence, who I am and what is the purpose of my visit. Tier 2 did not know in advance, but at some point interacted with me and Tier 3 was not at all aware about my presence or we simply had zero direct interaction.

The observer approach I adopted was as a participant. This was an important step as it allowed me to interact openly with the focus group and also to take notes while doing so, which later played crucial role when drafting the analysis.<sup>159</sup> Letting the participants to know the reasons why I am there also helped me to get introduced to more people, which have the characteristics of the focus group.

Interestingly, observer as a participant also put me in a few situations where Tier 2 participants asked me if I am a journalist. Some of them asked me on which TV channel we are going to air the interviews and the documentary about the community. Also, I was asked which political party sends me and whether I can provide jobs. All these misunderstandings are also important part of the study as they show the perception of the locals about outsiders.

Adopting ethnographic approach was not my initial intention because personally I am quite shy, however, the curiosity and friendliness of most of the people from the Stolipinovo community helped me to carry out two productive fieldwork days with valuable results for the final work.

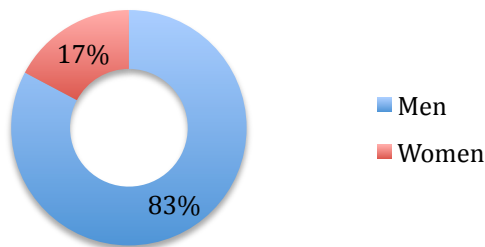
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<sup>159</sup> Blommaert J. and Jie, D., *Ethnographic Fieldwork. A Beginner's Guide*, 2010, Multilingual Matters.

### 8.3. Participants

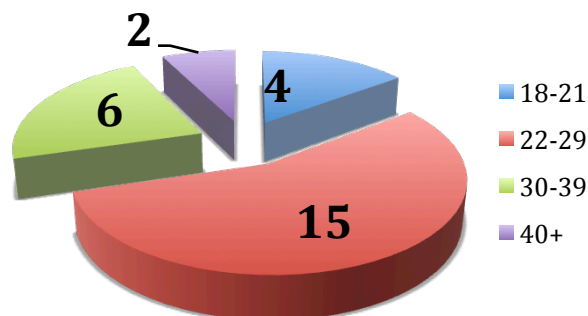
#### 8.3.1. Interview Participants

For the purpose of the research I have interviewed only people that live or have lived in Germany as migrants coming from Stolipinovo. Nearly all participants in the interviews were men, conducting only 5 out of 29 interviews with women. Two of these five interviews were with women working in the local council.



#### Participant's gender

All of the participants from the focus group disclosed information that they are over the age of 18 years old. The majority of migrants interviewed were young adults aged between 22 and 29. Only two of the interviewees were over the age of 40 years old. The two council employees did not disclose information about their age.



#### Participant's age

Nearly the entire group of participants (25 persons, only two did not), shared that they have children with their partners. Three of them said that they have grandchildren. Again, I have no such information for the council employees, as it is irrelevant for the study.

### 8.3.2. Ethnographic Research Participants

The main participants in the ethnographic research were the members of two large families, which I met during my second visit in Stolipinovo, Tier 1 participants. The other group of Tier 1 participants was the people that visited these families during the celebrations on both Ederlezi and Patragi. During the festivities on Patragi I could observe more Tier 2 and Tier 3 participants as the celebration was on the street and interaction was easier. Due to the weather conditions on the last visit, most of the time I spent indoors limiting my access to other participants.

Majority of Tier 2 and Tier 3 participants were kids that were surrounding the nearby area or were playing on the streets. Tier 2 participants were also people on the street that wanted to know more about my research.



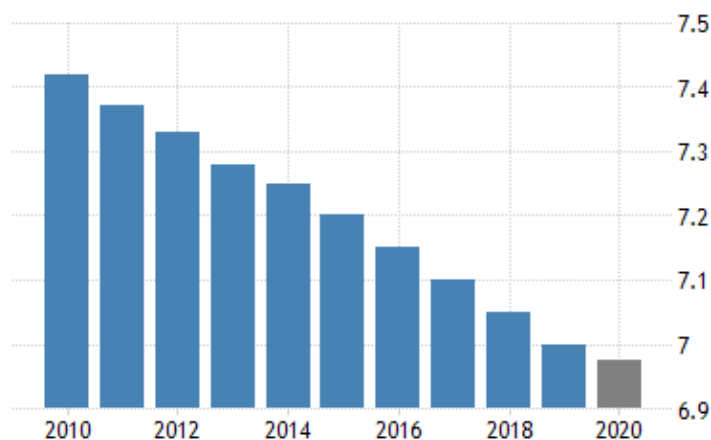
City plan of Plovdiv. Stolipinovo is separated by industrial area, river and highway from the rest of the city.

## 9. Findings

The findings from the data collected for the phenomenon of organised migration are separated in several sections each of which presenting hypothesis for illegalities or potential issues. In order to provide answers to the research questions a mix of the analysed data addresses different aspects of the problem.

### 9.1. EU legislation and Case Law Analysis

With the expansion of the EU, newly joint countries have experienced both demographic and economic changes. That is clearly evident in Bulgaria and Romania, which both joined in 2007, and have ever since been the poorest two EU member states. For that reason, many people from both countries have decided to exercise their free movement rights by migrating to the more developed countries in Western Europe. As a result, the combined population of nearly 30 million people has decreased to around 25 million in just over a decade since 2007, with people leaving long-term from both countries (over 4 million from Romania and 1 million Bulgaria).



#### Population rate in Bulgaria over one decade<sup>160</sup>

On one hand the migration process resulted in many areas in Eastern Europe being nearly deserted with services being closed, businesses relocating production due to the lack of workforce, and on the other hand, it resulted by putting pressure on the host member states with the growing numbers of migrants heading to the same areas, usually with the most generous welfare systems.<sup>161</sup> Cases like *Dano* and *Alimanovic*

<sup>160</sup> Bulgarian National Institute for Statistics, *2020 population prediction*, accessed 8 May 2020.

<sup>161</sup> Crespy, A. & Menz, G., *Social Europe is Dead. What's Next?*, 2015, Palgrave MacMillan.

show that the EU institutions want to draw the line between social security for citizens in need and abusing the welfare system by economically inactive migrants and the European Court of Justice plays a vital role in that process.

However, the continuous relaxation on free movement rights for newly joined countries and the long-term prospect of open borders, if any at all, will give further opportunities for groups facilitating organised migration to abuse fundamental rights. Despite creating its own issues, such migration process is natural and legal in terms of EU law. As a result migrants are creating new communities, competitive market and diverse environment. Since 2014, when the restriction on citizens from newly joined member states have been removed for residing and claiming benefits, more than 100,000 Bulgarians have settled and registered in Germany. Together with Italy and the UK, it made the top three destinations for Bulgarians to relocate within the EU, however, after BREXIT, Germany is now the member state hosting most nationals. Major reason for that movement is the accessible social security system the country has in place. Migrants can easily register and access the full benefit system, with child support being the main attracting factor, as they are paid regardless whether the parents are working, speaking the language or contributing to the welfare system.

Still, that should only apply to migrants that exercise their rights freely – under their own judgement; where they have chosen by themselves; where they can integrate, or at least attempt to; uncontrolled by groups, gangs, traffickers, etc. – or in other words, without being organised in the context of the aspects related to modern slavery.<sup>162</sup>

## **9.2. Leaving Stolipinovo – the push factors**

Over the last 3 years Stolipinovo changed significantly. A neighbourhood with nearly 50,000 people in the beginning of last decade, many of which have now moved to Germany and the city of Duisburg in particular, leaving it with less than 10,000 permanent inhabitants in January 2020. Furthermore, according to the data gathered from the participants from Plovdiv's council, at the end of 2019, two out of every three dwellings in the area were empty. 'Once an overcrowded Roma ghetto, quickly

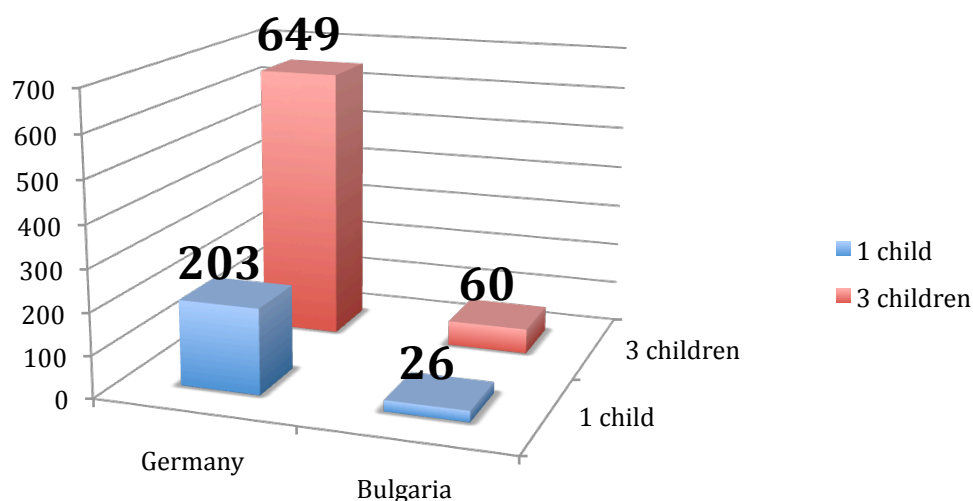
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<sup>162</sup> Pavlou, V., *Where to Look for Change? A critique of the use of modern slavery and trafficking frameworks in the fight against migrant domestic workers' vulnerability*, 2018, Goethe Univeristy.



turning into a deserted concrete jungle only in the matter of two-three years’, were the words of one of the interviewees.

For emigration that dramatic it is necessary to examine the push factors that trigger such process. The amount of the average salary is something all participants agreed on and pointed as a major push factor. According to the Bulgarian National Statistics Institute, the average salary in the Plovdiv municipality is approximately €580 per month.<sup>163</sup> But here an important clarification is necessary. People from the Roma community are largely employed in sectors not requiring qualified workforce, therefore the salaries in Stolipinovo are rarely more than BGN1000 a month (less than €500).<sup>164</sup> The help from the social security system is not adding much to the income of the households, as child support is less than BGN135 (€60) a month for a family with 3 children under the age of 18. In Bulgaria for every child after the third one, the accumulated help is €20 per child, whereas in Germany it is €235 per child.<sup>165</sup>



#### Comparison of child support paid in Germany and Bulgaria in € per month per number of children.

On the other hand, none of the participants have to pay rent to reside in Stolipinovo. Most of the households in the area own the property they live in, therefore, have no extra expenses in that matter. In addition, municipal taxes are relatively low, however, according to the interviewees from the council, it is rare for Stolipinovo households to pay them. Tax collection has been an issue in the district for decades, something

<sup>163</sup> Bulgarian National Institute for Statistics, *Average Salary in 2020*, <https://bit.ly/2Wweah2> accessed 8 May 2020.

<sup>164</sup> The World Bank, *Gender dimensions of Roma inclusion*, 2014, The World Bank Group.

<sup>165</sup> Bundesagentur für Arbeit, *Kindergeld verstehen*, <https://bit.ly/2zzWU11> accessed 29 April 2020.

inherited from the Communist regime, when local residents did not have to pay any taxes or utility bills.<sup>166</sup> In that respect, residential costs cannot be viewed as a push factor, something a few of the participants admitted they rarely acknowledge.

Furthermore, another important push factors most of the parents pointed out are the opportunities for their children. According to them the school system in Bulgaria does not provide effective education that guarantees jobs for the Roma community. Seemingly a controversial statement, they support it by saying that the schools do not do enough to keep the children at school. Problem that was confirmed by the council interviewees, especially related to teenagers in high school. Consequently, many do not finish their education and later struggle on the job market.

Probably the most important push factor discussed with the migrants was that in Bulgaria the Roma community and the people from Stolipinovo in particular are subject to discrimination and segregation. Some of the participants shared stories how they are asked to present ID cards if they want to enter the nearby shopping malls, they are not allowed to get petrol at the gas stations if they do not prepay, something not typical for gas stations in Bulgaria. Furthermore, the participants rarely consider the options to live in other neighbourhoods outside Stolipinovo that are with better infrastructure, because they would be subject to “bad looks” or even verbal abuse. All these are issues they believed would not be something they have to deal with once in Germany and played as a major push factor.

### **9.3. Westward migration – the pull factors**

The Occident attracting migrants is not a new phenomenon, the reasons for which are very complex and subject to many studies. This research is not different as it examines westward migration, however, for the purpose of the study only the pull factors of Duisburg will be analysed. As most of the participants admitted, very few, in fact only two, said that they knew what is Duisburg before departing. Not where on the map, but indeed what stands behind that name, whether it is a city, a company or even a country. That is why it is interesting to examine how such unknown place attracts so many people to move there permanently.

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<sup>166</sup> Vassilev, R., *The Roma of Bulgaria: A pariah minority*, 2007, Routledge.

Naturally, some of the major pull factors are the opposite aspects of the push factors. The participants agreed that the belief for much better pay in Duisburg attracted them, as well as the funds promised for child support. Furthermore, most of the migrants pointed out the higher living standard in Germany as a major pull factor. All of these are elements that do not surprise in a study involving migratory characteristics.

In addition, some of the participants said that they believed in Germany they would not be subject to stereotyping and discrimination. One of the participants even pointed out as a reason the better weather in Germany, because the winter in Bulgaria is too cold. Both are valid reasons depending on the personal perspective, however, neither give an exact answer how they chose Duisburg as their new home.

The reason for that is because not Duisburg, but rather Germany had the right combination of pull factors attracting the migrants. The factor that 'pulled' the people from Stolipinovo in the direction of that particular city was the coordinator that could facilitate the essentials in that process. Some of the participants admitted that they blindly believed the organisations, knowing that in Germany the situation could not be worse than it is in Bulgaria. A few of the participants disclosed that they already had friends and family members in Duisburg and that is what 'pulled' them.

#### **9.4. The 'Selection Process'**

In order to further examine the phenomenon of organised migration, it is important to understand who qualifies to be part of the migration group and how it is executed. According to the participants in the past popular alternative destinations within the Roma community were Spain, Italy and 'England', where most of the time migrants traveled for seasonal work. Families did not settle there long-term and returned to Stolipinovo, however, this has changed in recent years. According to the Council interviewees, the reason for that is because the profile of the migrants also changed. A decade ago mostly physically strong adults went to work abroad, whereas nowadays, they are young parents traveling with their entire families.

Change also confirmed by the majority of the participants, who in addition shared that the whole process starts with a selection procedure. In the filtering advantage have families with young children, the more children a family has, the faster it is selected to travel to Germany. Second in the waiting list are men capable of hard physical

work and young women, part which also involves personal recommendations and promises for future favours. Older people, couples with one or no children or teenagers are rarely selected to travel with the organised vans. However, a few of the interviewees insisted that there is no such limitation and if someone is needed in Duisburg, that person will get on the vans.

According to the participants language is another important asset to be selected faster or to get better conditions. Surprisingly for them, at first, Turkish is the language that gives advantages in the process. Not German nor Bulgarian, nor English, but Turkish. One of the reasons, they believe, is because the job providers in Duisburg have preference to employ people speaking Turkish. After the Romani tongue, Turkish is the most widespread language within the Stolipinovo population with Bulgarian speakers being nearly the same number.<sup>167</sup> None of the participants spoke German prior their departure to Duisburg, which in no way is part of the unwritten requirements anyway, since ‘Germany speaks Romani’, as one of the interviewed migrants noted.

Talking from personal experience, as a vital element one of the participants pointed the single most important requirement, which is the national ID card. According to that person, even if someone does not meet the other requirements, he or she can still be selected by only having a newly issued ID card and passport. In the case of the participants from Stolipinovo, hundred percent hold Bulgarian national documents. According to that interviewee, most of the other migrants did not note that as an important aspect, because they already had the documents issued.

The interviewee further continued that these papers are important for the organisers not only for the purpose of getting to Germany, but also for the long-term residence in Western Europe. Analysing that information it is clear why this is such an important element. With ID cards normally valid for a period of 10 years, the migrants do not have to deal with paperwork or travel back in order to issue new documents for at least around that interval.<sup>168</sup>

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<sup>167</sup> Kostova, D., *Living on the periphery: Roma in Bulgaria*, 2006, Transaction Publishers.

<sup>168</sup> Ministry of Interior, *Bulgarian Personal Documents*, <https://bit.ly/36PU3On>, accessed 9 May 2020.

### **9.5. The journey to Duisburg and resettlement process**

The trip to Germany is usually within a few days after being selected as the next group of migrants leaving Stolipinovo. All of the participants made the journey to Duisburg in organised vans that are privately owned and not available to the public. Due to the large size of some of the families, they had to be separated in groups, but were back together in the matter of no more than one or two days. There is no specific schedule and the leaving dates and hours vary depending on the group size and arrangements. The journey takes over 28 hours and is always taken without overnight stops or rests longer than 20-30 minutes. None of the participants paid anything for the trip to Duisburg, apart from personal expenses at gas stations, etc., which is a lucrative element of the process playing as an important pull factor.

Once in Germany, people that they did not know before welcomed the participants. In the majority of cases, these people spoke Turkish and according to a few of the interviewees they were of Turkish descent. These people were helping the migrants to enter into the provided accommodation and at later stage dealt with their registration in Germany.

In most cases migrants from the same group were registered together on the same address. However, this is not necessarily a different address from the one used for previous groups. According to some of the participants, very often over hundred migrants share the same address of registration, but live elsewhere in the area. Housing is redistributed by groups, not by families, and in many cases up to twenty people are assigned in the same one-bedroom apartment, sharing mattresses and common areas with the others.

Most of the participants have to share an apartment with another family. Some of them have at later stage moved to a different location where they share a flat with their cousins or other relatives. Once settled all of the people interviewed said that they had to start paying rent to the organisations, which varied between €400-600 per month, depending on the sort of accommodation they are provided. Dividing the rental costs is why most of the participants did not view the flat sharing as something necessarily bad. From what I have witnessed during the fieldwork, in Stolipinovo they also live in large groups and often share houses with the families of their acquaintances. In the house of one of the families I interacted with reside four

generations. With that being said, it seems that the living conditions of the participants have not improved significantly, if they are not worse, something that just four of the interviewees have admitted.

With the gathered data taken into consideration, the journey to Germany is one of the most apparent elements of seeing how the organisations function. It is seemingly an easy task of transporting and finding accommodation, these organisations, however, have to be very well managed.<sup>169</sup> They have to deal, as is the case with most of the participants in the conducted interviews, with people that have never before traveled abroad nor have been in an environment so different than the one at home.

Furthermore, the settling process involves registering in the local social security agencies. A process requiring long waiting time because of the number of migrants or as one of the participants phrased it ‘you wait, so they can give you money’. Child support is crucial for the survival of the migrants with children in Duisburg, as without it they would have insufficient income, have claimed most of the interviewed parents. That is why the organisations take care of every aspect of the process, including accompanying all of the participants in the social security office. However, they do so also when opening a bank account, information confirmed by several of the participants. ‘They give you a bunch of papers in *shlyokavica*’, a figure of speech in Bulgarian for something that is unclearly written, said one of the participants referring to the German text in the papers, ‘you just have to sign everything and that’s it’.

The bankcards are later mailed to the address the migrants are registered at, but as mentioned before, they rarely live there. These same bankcards are the once which are used to receive the Kindergeld or Child Benefits. None of the participants disclosed that they are in possession of such German bankcard, with only one admitting to be using a bank account, however, one that was opened separately from the initial one.

All of the payments received from the organisations are in cash. They redistribute the Kindergeld, pay for hours worked and withhold rent. The information received by the participants concerning Kindergeld was not very clear, however, none of the parents claimed to receive more than €200 per child. In fact, most parents said that they get between €150 and €180 per child. As is the case in Germany, the absolute minimum

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<sup>169</sup> Mitsilegas, V., *The Criminalisation of Migration in Europe. Challenges for Human Rights and the Rule of Law*, 2014, Springer.

of child support per child per month is €204.<sup>170</sup> Interestingly, there is a considerable difference in what is officially received and what the participants claim to get from the German welfare system.

### **9.6. Job Availability**

The organisations main purpose is to register the migrants as soon as they arrive and help them claim the Kindergeld from the local social security centers. The money received is the main income for the migrants.

However, additional income for the migrants is available through jobs provided by the organisations. Often in meat processing plants, restaurant kitchens, scrap yards or construction sites, the work that is offered can be different each day. Some of the participants described their experience working for the organisations as a bit hectic. Job is not available everyday; payments are often delayed and always paid in cash. According to what they have shared, these jobs are without any form of contract or insurance and it is available ‘only when they need you’. Furthermore, as an official rate according to the participants, the migrants get paid €5 per hour, which is nearly half the legal minimum wage existing in Germany (around €9,35 per hour in 2020).<sup>171</sup>

In contrast, the work the Job center provides and the surrounding process is very organised and strict, ‘it is everyday and you can’t be late’, says one of the participants that used to work via the Bundesagentur für Arbeit. Despite that the jobs offered usually do not require German, most of the migrants have never worked through the office. Positions provided by the job center are in the cleaning and maintenance sectors, city gardening and sometimes there are openings in farming as fruit pickers.

### **9.7. Democracy Abroad**

Once selected as part of ‘the next shipment’ from Stolipinovo to Duisburg, as one of the participants joked, migrants no longer hold their passports. They are collected, in most cases by the drivers of the vans, and later given to whoever is responsible for that group. Settled migrants in Germany normally receive resident cards, which allow

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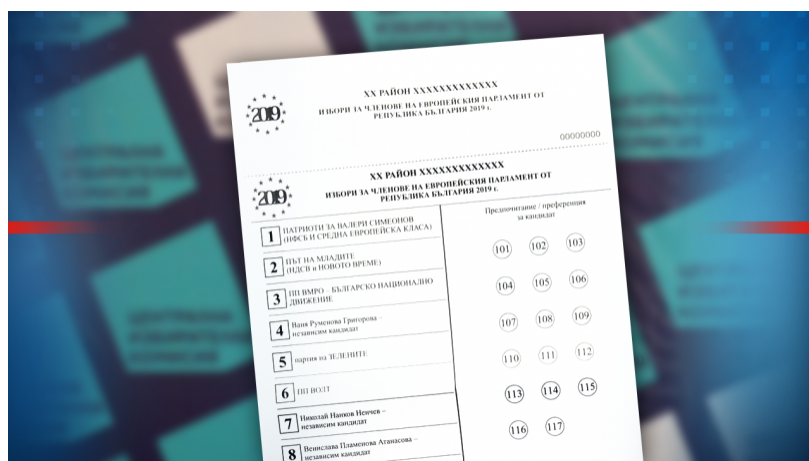
<sup>170</sup> Bundesagentur für Arbeit, *Kindergeld verstehen*, <https://bit.ly/2zzWU11> accessed 29 April 2020.

<sup>171</sup> Nienaber, M., *Germany’s minimum wage*, 2020, Reuters, <https://reut.rs/2z10ZQM>, accessed 20 March 2020.

the organisations to hold their Bulgarian Identity Cards and/or passports. From that moment they are known as ‘the Germans’ as they are called back in Stolipinovo.

However, according to one of the participants, the reason the organisation requires long validity of the documents, is for the benefit of the migrants in order to exercise their electoral rights. That is possible as Bulgarian law allows voting in national elections (Bulgarian Parliament, EU Parliament and Presidential elections) even for Bulgarian citizens that do not currently reside in the country. The only requirement is to have a valid national ID card and to go to the locally opened voting section, which are normally very easy to register (only 200 signatures are required).

Most of the participants confirmed that they voted in the 2019 elections for European Parliament, however, none could say whether the nominee for Member of the European Parliament (MEP) they voted for was elected. Without asking for a specific name of a person or party, but rather just whether they were satisfied with the results, they all nodded positively. One of them remarked that ‘we always vote for *our guy*, we know our rights’. On questions related to the functions of the EU institutions, what are the responsibilities of the MEP they voted for and how they choose a preferred candidate, most of the participants said that they do not know a particular name, but are always given a number, so they know ‘the right person’. In Bulgarian elections each candidate or party have a corresponding number, which has to be crossed with a symbol, usually ‘X’ in order to cast the vote.<sup>172</sup>



Example ballot used for the 2019 European Parliament Elections<sup>173</sup>

<sup>172</sup> Central Electoral Commission of the Republic of Bulgaria, *Direct Citizen Participation in State and Local Government Act*, 2019, <https://www.cik.bg/en/laws>, accessed 10 May 2020.

<sup>173</sup> Central Electoral Commission of the Republic of Bulgaria, *European Parliament Elections 2019*, 2019, <https://bit.ly/3gKR3HF>, accessed 10 May 2020.



## 9.8. Integration Policies – Stolipinovo changing Duisburg

Migration movement at such scale inevitably changes the demographics in the host region.<sup>174</sup> The cultural difference between the people from Stolipinovo and the population of Duisburg is evident by many aspects, something confirmed by the participants in the research, ‘you always notice when there is a German around’, remarked one of them when talking about the area most of the migrants live in. Such traits show with its characteristics the nature of controlled mass migration,<sup>175</sup> with the people of Stolipinovo moving westward in a continuous flow.

As a form of societal response to that, the German authorities by implementing the societal security concept have introduced a number of integration policies facilitating the newcomers to adapt to the local customs and behavioral traits.<sup>176</sup> However, none of the participants, most of which have lived in Duisburg for nearly two years, have knowingly participated in such programmes.

An example of the courses, and a vital one, that the Job center office organises, is the German language classes, which for the migrants is available free of charge.<sup>177</sup> Despite that, the migrants show lack of interest and most of the participants do not speak even basic level of German.

On the other hand, an important finding of the ethnographic research was that the children of the migrants, in particular these of Tier 2 & 3 of the data collected, spoke in German between each other while playing in the area. Some of the Tier 2 children did not speak Bulgarian despite growing up in the country for nearly 10 years; however, they spoke very satisfying level of German that they learnt in under 2 years. That shows that despite the efforts of the organisations to disintegrate and further control the Stolipinovo migrants, the government policies might have a long-term positive effect.

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<sup>174</sup> Pijpers, R., *Between fear of masses and freedom of movement: migrant flexwork in the enlarged European Union*, 2007, Enshede: PrintPartners Ipskamp.

<sup>175</sup> Bigo, D., *Immigration controls and free movement in Europe*, 2010, Cambridge University Press.

<sup>176</sup> Süßmuth, R., *The Future of Migration and Integration Policy in Germany*, 2009, Migration Policy Institute.

<sup>177</sup> European Commission, *The German migrant integration system*, 2017, <https://bit.ly/2Ml5d3Y>, accessed 8 May 2020.

## 9.9. The reverse migration of 2020

During the course of collecting the data for this study the outbreak of Covid-19, an unprecedented worldwide pandemic, interrupted its process. Consequently, the significant affect of this virus resulted in unforeseen chain of events that influenced parts of the research. Migrants from around the EU have returned to their home member states with hundreds of thousands of them heading back to Bulgaria in particular.<sup>178</sup> According to the participants, hundreds, if not thousands, have returned to Stolipinovo only in March 2020. Many of them were advised to leave as soon as they find transport, with some flying back on flights directly from the airports in Dortmund, Düsseldorf, Köln and Eindhoven to Sofia, and others taking bus lines from Germany to Bulgaria or using various means of private transportation.

According to the participants many have left Duisburg because of the overcrowded living conditions, but major role also played the information that there will not be any work available while the pandemic lasts. Most families still have their residential property back in Stolipinovo as they do not have to pay rent and taxes are not an issue that would force them to sell, etc. That is why going back was relatively easy process once they found transportation. In addition, a few of the participants shared that they still enjoy social benefits received from the German welfare system, as branches of Western Union, a company for wire money transfers, are available in several places in Stolipinovo.<sup>179</sup> In fact, the activity of these branches was evident even in the time of pandemic, when most businesses, including major banks were closed.

Again, migration of that scale created problems of its own by putting great pressure on healthcare services in Bulgaria that required drastic measures taken by the Bulgarian government. Since 8 March 2020, every person that was entering the country was quarantined for at least two weeks, the authorities also limited movement within the country and imposed considerable fines on people breaching the restrictions.<sup>180</sup> Furthermore, in late March the government closed the access to several Roma communities in the country, as the authorities suspected surge in Covid-19

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<sup>178</sup> Milcheva, E., *Hundreds of thousands returned to Bulgaria*, 2020, Deutsche Welle, <https://p.dw.com/p/3a3PW> accessed 28 Mar 2020.

<sup>179</sup> Pfohman, S. & Hackl, T., *The Roma are among most threatened by Coronavirus in Europe*, 2020, EURACTIV, <https://bit.ly/367Lwpo>, accessed 9 May 2020.

<sup>180</sup> Ministry of Foreign Affairs, *Coronavirus – what to do?*, 2020, <https://bit.ly/3eyXdbC> accessed 28 Mar 2020.

cases in these areas.<sup>181</sup> According to some of the participants testing for the virus did not suggest the necessity for such actions, as in other parts of the country cases were more, but the areas were not under full lockdown. Similar measures were introduced in other parts of the country where authorities registered significant return of migrants from abroad. Coincidentally, all such places have concentrated population from the Roma minority groups.<sup>182</sup> The interviewees in Stolipinovo believed that they are subject of segregation and the government is in breach of their human rights.

## 10. Analysis

After the collection of qualitative data by conducting interviews with several stakeholders and in-field research in Stolipinovo and the analysis of the empirical data, there are several findings that can be outlined as major issues that come with the process of organised migration within the EU. In that case key are the dependability of the migrants on the organisations, the economic interests and gains these organisations have and the resistance for integration encouraged by them. Each of them has to be addressed in relation to the main stakeholders with them being: the people from Stolipinovo and the local authorities; the wellbeing of the Roma community in their role as EU migrants; the organisations controlling the process.

### 10.1. Europe's Scapegoat

Examining previous research and considering the presented empirical data it is evident that the phenomenon of organised migration plays major role for the negative attitude and publicity towards migration as a whole. It is what makes the entire process corrupt, resulting in disbalance, pressure on social structures and the institutions by limiting resources in places.<sup>183</sup> Which is exactly the case with the Roma people from Stolipinovo.

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<sup>181</sup> Nikolov, K., *Strict measures in the large Roma communities*, 2020, EURACTIV, <https://bit.ly/2ZThRiR>, accessed 28 Mar 2020.

<sup>182</sup> Atanasova, D., *Full blockade*, 2020, BTV News, <https://bit.ly/3gJEYIK>, accessed, 12 May 2020.

<sup>183</sup> Pijpers, R., *Between fear of masses and freedom of movement: migrant flexwork in the enlarged European Union*, 2007, Enshede: PrintPartners Ipskamp.

As a result, that is well utilised by the authorities within the political spectrum and use the Roma communities as a scapegoat, often for issues that have no direct relation to them. A very recent example for that is the Bulgarian government blaming Roma communities returning in the country for the spread of Covid-19.<sup>184</sup> Despite having similar number of cases in other parts of the country, national media and the daily government updates on the Covid-19 development, pointed out the Roma communities as a major factor for the increase of cases in the country. To show that the authorities take firm actions against the spread, police forces were deployed in several Roma districts throughout the country, including Stolipinovo, limiting access and stopping any of their residents leaving the area.<sup>185</sup>

Examples of such segregation prove that the Roma community is subject to framing and is often the victim of stereotyping, arguments backed by several stories of the participants about their life back in Plovdiv. The created tension between these communities and the rest of the people in the country results in long-term disintegration that further creates a gap between minority groups and society. That is something well used by the organisations, taking full advantage of the social status the people of the Roma community in Stolipinovo have.

## **10.2. Foucault's power – knowledge relationship in practice**

Considering the analysis of the gathered data, key for the success of the organisations is the know-how they provide to migrants or in other words the procedural knowledge of how to claim benefits in Germany. For most of the participants this would be hardly possible without the assistance of the organisations, as a result most of the migrants also rely entirely on the organisations in terms of income and housing, making them an important factor for their survival in Duisburg.

By spreading information that puts them in a controlling position, the organisations achieve power over the migrant groups, navigating them in whatever direction they have interests. With promises for easy income, endless benefits and better life, regardless whether they are true or not, the organisations manage to place the

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<sup>184</sup> Todorov, S., *Bulgaria's Marginalised Roma Feel Signled Out in Pandemic*, 2020, Sofia, Balkan Insight, <https://bit.ly/3dWMKGI>, accessed 8 May 2020.

<sup>185</sup> Matache, M. & Bhabha, J., *Anti-Roma Racism is Spiraling During COVID-19 Pandemic*, 2020, Health and Human Rights Journal, Harvard University.

migrants in an environment where it is easy to manipulate them. The theory application of the Foucauldian perspective does not concern the truth or falsity of the generated knowledge or whether it is objective or subjective, but rather how this process is done and what are the final consequences.<sup>186</sup> As a result, without realising it, the participants in the study voluntarily put themselves in a dependant position in which they view the organisations as the solution rather than the problem.

In fact, with the knowledge they gained from the organisations concerning job opportunities, the migrants do not realise or at least claim not to know, that they breach employment law rules in Germany. During the fieldwork, in an environment outside the Duisburg area, away from German law enforcements or the organisations, the participants hardly disclosed sufficient information about the actual working place or employers. Something leaving the feeling that the migrants from Stolipinovo would not be willing to cooperate in proceedings against the job providers or there is a probability that they are instructed to avoid sharing information about the process. That was clearly evident with several of the participants, which in contrast to other aspects about the life in Duisburg, did not feel comfortable to talk about what, how and where they work. Furthermore, it is apparent that the organisations provide jobs that are free of paperwork and obligations making them more accessible, discouraging many of the migrants to seek long-term employment through the official channels.

According to Franz Voll the Bulgarian and Romanian migrants are left with no other option, but to break the rules of the host member state, even without realising it.<sup>187</sup> That brings a question previously set in the work of Keith Hawkins of not why do people breach the law, but rather under what conditions do people comply with the rules.<sup>188</sup> In the case of the participants, the controlling power exercised by the organisations is an example of relational power. As said earlier, it can be employed in different levels and through many dimensions; it is not necessary to be associated with a particular institution.<sup>189</sup> What makes it evident are the procedures and practices

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<sup>186</sup> Morton, S. & Bygrave, S., *Foucault in an age of Terror. Essays on Biopolitics and the defence of society*, 2008, MacMillan.

<sup>187</sup> Voll, F., *Inside Duisburg-Marxloh: Ein Stadtteil zwischen Alltag und Angst*, 2016, Orell Füssli Verlag.

<sup>188</sup> Halliday, S. & Schmidt, P., *Conducting Law & Society Research. Reflections on Methods and Practices*, 2013, Cambridge University Press.

<sup>189</sup> Simon, J., *Between Power and Knowledge: Habermas, Foucault, and the Future of Legal Studies*, 1994, The Law and Society Association.

used by the organisations to gain the control over group of people, resulting in organised migration.

Both Hawkins and Voll adopted participant observation as a method suited to revealing the unknown in their studies of social phenomena. An approach that turned crucial for the study of organised migration proving the usefulness of qualitative fieldwork for the kinds of knowledge it produced.<sup>190</sup> Power can have various forms and the access to the participants and their personal stories allowed the research to continue in a natural direction, giving vital insights of the process for the analysis. This strategy determined additional possible objects of discourse that have not been previously anticipated, as they were not visible. Observations during ethnography gather data of non-discursive phenomenon, however, ‘the notes of the ethnographer inscribe social discourse’ as the researcher writes down the key aspects that are related to the study.<sup>191</sup> It can be argued that conducting such research in environment where the organisations have direct influence, like in Duisburg as initially intended, might not have been possible, however, in Stolipinovo key for the success of the ethnographic approach was the native habitat of the migrants free of external factors exercising social control over the them.

### **10.3. Integration, Biopower and the Duisburg reality**

In the terms of organised migration the position of Foucault on biopolitical governance works in the opposite direction. Instead of being a useful tool for the authorities in the objective that ‘society must be defended’,<sup>192</sup> it is something well used by the organisations for having control over the migrants and taking advantage of the social policies of the host member state. However, it can be also argued that by doing so they supplement these people with the fruits of the social system, therefore they are the positive actors in the process.

Based on the observations made during the fieldwork, the families from Stolipinovo tend to have a patriarchal model with men in the households making most of the

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<sup>190</sup> Halliday, S. & Schmidt, P., *Conducting Law & Society Research. Reflections on Methods and Practices*, 2013, Cambridge University Press.

<sup>191</sup> Herndl, C., *Writing Ethnography: Representation, Rhetoric, and Institutional Practices*, 2012, Southern Illinois University Press.

<sup>192</sup> Morton, S. & Bygrave, S., *Foucault in an age of Terror. Essays on Biopolitics and the defence of society*, 2008, MacMillan.

decisions concerning the family life. Furthermore, the observation shows that usually there is one man that is on top of the family hierarchy, which are the central figure and the link between that family and the rest of the community. Something that was also evident when conducting the interviews, as usually the oldest brother or cousin was the one guiding me which family members to talk with.

By using this social structure the organisations manage to limit the key contacts they have to deal with or as one of the participants said, “I talk with the *boss* and I choose what is best for my family, *he* knows things”. That way the organisations successfully establish the control over such big community and manage their behaviour in terms of migrating elements and integration.

That particular gender role of men in the families as the leading member is also an advantage for the organisations, which is well used. According to the research conducted on victims of trafficking, it is hard for men in such communities to accept a status of a victim.<sup>193</sup> It is important their position to be viewed as strong and always in control of the situation, rather than in need of support. As the expert analysts described in that study, such victims of labour exploitation would rather accept their current misfortunes and continue working in the provided conditions, than seek a remedy. There is even a tendency showing that they view themselves as economically successful disregarding all the violations of their rights as migrants.<sup>194</sup> That was further evident by the behaviour of some of the participants, which insisted to share how many additional things they can afford with the money they earn in Duisburg, things that they would not be able to buy in Bulgaria. Some of them proudly shared that they have received bonuses for their work, which is highly appreciated by the *bosses*.

Important for the entire process and the long-term dependability of the migrants is how the organisations deal with them once in Germany. Based on the gathered data the control in Duisburg is achieved by managing the flow of funds with everything passing via the organisations. The participants receive only cash payments from them and according to the disclosed information, migrants do not possess the bankcards for the German bank accounts they have opened shortly after arriving in Duisburg. As a

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<sup>193</sup> European Union Agency for Fundamental Rights, *Severe labour exploitation: workers moving within or into the European Union. States' obligations and victims' rights*, 2015, Luxembourg.

<sup>194</sup> *Ibid.*

matter of fact, none of them even recalled the name of the bank where they did that. In other words, once the Kindergeld are received in the accounts of the parents, the organisations redistribute the funds with cash payments. This is also evident by the queues at the Western Union offices, company for direct money transfers and the only working in the area during the pandemic, where families that have returned to Bulgaria were receiving their payments.

The Kindergeld distribution can be argued to be the crucial element for the success of the organisations. Analysing the information disclosed by the subject group about how much the families receive per child with the comparison of the official rate paid by the German government shows that there is a significant difference in the amounts. According to the interviewed personnel from the Plovdiv Council, nearly half of the migrants that have moved to Germany from Stolipinovo are children. With the significant number of migrants in Duisburg that adds up to more than 20 thousand people, the total amount of funds received by the focus group is likely to be millions of Euros per month. Taking into consideration that the difference of the payments migrants receive compared with what they should be receiving is between 15 and 30 percent,<sup>195</sup> hints of a noteworthy income for the organisations. Funds that disappear as an unofficial monthly commission for the ‘services’ they provide.

Furthermore, by having such a large diaspora with voting rights that is already under the influence of the organisations, gives them another opportunity for acquiring assets. The organisations directly or by influencers inform the participants who they should choose, resulting in an organised vote at a significant scale. That is both evident by the collected data and the results in recent elections. In the 2019 vote for European Parliament, the majority of ballots coming from abroad were visibly fragmented in different sections with each of them having a clear political party in the lead. In the case of North Rhine-Westphalia, a hotspot for Roma migrants from Bulgaria, almost all of the votes casted were for the same party.<sup>196</sup>

Furthermore, the organisations settle the migrants only in certain areas of Duisburg where they own properties or have other businesses. That way they can significantly influence the electoral results for that particular council as migrants can legally vote

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<sup>195</sup> Bundesagentur für Arbeit, *Kindergeld verstehen*, <https://bit.ly/2zzWU11> accessed 29 April 2020.

<sup>196</sup> Central Electoral Commission of the Republic of Bulgaria, *European Parliament Election Results by Region*, 2019, <https://bit.ly/2BkhG5V>, accessed 10 May 2020.



in local elections as registered residents. Also, intentionally or not, that creates an isolated environment in which they limit the migrants' access to the rest of the city and to communities where the residents enjoy a more independent lifestyle.<sup>197</sup>

Franz Voll argues that in surroundings that speak predominantly Turkish with lack of interaction in the official language of the host member state, the migrant communities further distant themselves from the local life and customs, which results in a social atmosphere throughout Duisburg.<sup>198</sup> The interviewees and tier one participants from Stolipinovo admittedly shared that despite living there for nearly two years or more, they do not speak German. Just a few of them shared several words or phrases they have learnt, which shows that such policies of the organisations are working or at least language will not be key for the integration of the Roma community.

However, that is something applying mainly to the adult population among the migrants, as evidently from the ethnographic study, many of the children that have returned from Duisburg speak German while playing with their friends. That is a very important element of the integration policies, as it is clear that the German state have implemented a more efficient approach for rising the future generation. In that regard, it can be argued that Bulgaria have failed or simply has no political willingness to adopt strategies that integrate the Roma community effectively in the society.

Previous studies argue that the inclusion of the mother tongue in the educational system in the years of primary school proves crucial for minority groups to adapt in academic environment.<sup>199</sup> For the means of integration, teaching Bulgarian to the Roma community is the only linguistic policy adapted. The Romani language is not recognised by Bulgarian law, therefore it is not possible to be legally included in the educational system. The number of people that identify themselves as Roma in Bulgaria is under five percent, however, according to the World Bank the percentage of newborn children with Roma background is over 20 percent of the total in the country.<sup>200</sup> Alarming statistic that raises further questions concerning integration and the policies that have the Roma communities in focus, as it directly affects the fundamental rights of the EU and the need for addressing them at Trans-European

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<sup>197</sup> Voll, F., *Inside Duisburg-Marxloh: Ein Stadtteil zwischen Alltag und Angst*, 2016, Orell Füssli Verlag.

<sup>198</sup> *Ibid.*

<sup>199</sup> Templer, B., *Confronting linguisticism: rethinking multiculturalism and bilingual instruction in Bulgarian schools*, 2015, Shumen University.

<sup>200</sup> The World Bank, *Gender dimensions of Roma inclusion*, 2014, The World Bank Group.

level. From the perspective of the organisations, it can be argued that this is a positive aspect as it means that in the current environment and without reforms in the social structure and security system, Bulgaria will be the source of more migrants that can be taken advantage of in future.

#### **10.4. Organised migration as a successful model**

Furthermore, it is worth noting, that these organisations functioning as unofficial bodies, have managed to resettle the incredible amount of over 20 thousand people in less than two years. Something that even powerful institutions with deep budgets have failed to achieve, especially under pressure, when dealing with the refugee crisis from 2015.<sup>201</sup> Even the core Schengen Agreement allowing free movement was pushed to its limits despite having the unconditional support of the EU.<sup>202</sup> Knowing well the needs of the focus group, combined with a profound knowledge of the legal procedures in Germany and how to take advantage of certain gaps between them and what the social security system offers, makes the business model adapted by the organisations sustainable with a low risk strategy, that successfully functions for a few years already.

In that regard, it can be argued that the migrants from Stolipinovo have invisible chains with which they are controlled every step of the way. The organisations decide how and when they travel, choose where to settle them, process almost all payments the migrants receive, determine what and when they work and tell them how to cast their vote. That sort of total control over a group of people has most of the elements of slavery in the contemporary Western society. Slavery and human trafficking no longer require wooden ships and chains, ‘the modern version uses passports and airline tickets’.<sup>203</sup> As it is presented in the case involving the migrants from Stolipinovo, it can be agreed that it even uses the fundamental right of free movement of EU citizens.

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<sup>201</sup> Roberts, B., Murphy, A., McKee, M., *Europe’s collective failure to address the refugee crisis*, 2016, Springer.

<sup>202</sup> Walters, W., *Mapping Schengenland: Denaturalizing the Border*, 2002, SAGE Publishing.

<sup>203</sup> Davidson, J., *Modern Slavery. The Margins of Freedom*, 2015, Palgrave MacMillan.

Member states are under great pressure dealing with migration; however, it is also their responsibility to enable access to justice for all stakeholders in the process.<sup>204</sup> EU and national law still have a long way to cover all aspects of migration and in some cases can leave out certain groups, making it possible for others to take advantage of them. The citizenship status EU migrants have within the boundaries of the Union frames them as ‘insiders’ - often leading to the assumption that they have their rights protected and are not considered as a vulnerable group.<sup>205</sup> However, the protection of the rights of Roma minorities in the context of free movement is often neglected and by analysing the presented data it can be argued that such groups are treated more as ‘outsiders’ than as EU citizens. The securitization of the phenomenon examines Roma communities like the one from Stolipinovo as a security issue to the home member state and the welfare system, even though it is the migrants that are treated as subjects and in need of protection.

In situations where people are queuing outside recruitment centers, increasingly depend on social benefits or are willing to leave everything with the hope to find better work options abroad, the organisations are very effective and utilise such opportunities. Their recruiters gladly support the migrants on their journeys to cities or farms they have never heard of before, promising help and better life.<sup>206</sup> With the citizenship status the Roma community has, which is viewed more as a membership to the home member state rather than the EU, guarantees to the organisations less focus by the authorities under the securitization policies adapted in Western EU member states.<sup>207</sup> As a result, it is a neat process without human beings snatched, manacled and transported as objects, an organised migration that moves people as subject, ‘albeit subjects whose choices are framed by the limited alternative options open to them.’<sup>208</sup>

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<sup>204</sup> European Union Agency for Fundamental Rights, *Severe labour exploitation: workers moving within or into the European Union. States’ obligations and victims’ rights*, 2015, Luxembourg.

<sup>205</sup> Van Baar, H., *Boundary Practices of Citizenship: Europe’s Roma at the Nexus of Securitization and Citizenship*, 2017, University of Amsterdam.

<sup>206</sup> Davidson, J., *Modern Slavery. The Margins of Freedom*, 2015, Palgrave MacMillan.

<sup>207</sup> Van Baar, H., *Boundary Practices of Citizenship: Europe’s Roma at the Nexus of Securitization and Citizenship*, 2017, University of Amsterdam.

<sup>208</sup> Davidson, J., *Modern Slavery. The Margins of Freedom*, 2015, Palgrave MacMillan.

## 11. Conclusions

Migration is a process that is key for the functioning of the globalized world. It has many forms, countless backgrounds and numerous benefits. The EU acknowledges that by making free movement for its citizens a core element in the formation of the foundations of the Union. Right that is greatly enjoyed by the nationals all 27 member states and the additional 4 countries in the Schengen Agreement. In that context the emphasis falls on the word free, however, it is clear that process involving migration at such vast scale cannot be achieved without its own issues.

Addressing the research question of what stays behind organised migration requires analysis of the complex structure and insightful interaction with the focus group. It is made evident that the research involves the examination of an organisation that has significant financial gains by the potentially criminal process. It is a very well controlled system with several stages. Each of them serves a purpose with the interest of the organisations always as a leading motive. Integration does not fit in the structure of that controlled process and is eventually the enemy of the organisations.

The entire process starts with the freedoms granted by the membership of Bulgaria in the EU, which gives the answer to the first sub question of the study. The people from Stolipinovo legally resettle in Germany as part of a very sophisticated variety of human trafficking. All the actions of the migrants are voluntary and the organisations are even assisted by their victims. That is why it can be argued that human trafficking in the context of the contemporary European society is facilitated by abusing free movement rights along with national legislation in both the home and host member states of the migrants.

Answering the second sub question of the research concerning push and pull factors, it is evident that with the significant difference in economic development between member states, the migration flow will not miraculously stop. For that reason the EU should continue working hard in order to bridge the gap between East and West in Europe and create equal opportunities throughout the continent. Otherwise, social benefits will continue to be the cornerstone for migrants leaving westward, deserting the member states in Eastern Europe.

Furthermore, in the contemporary context of human trafficking, the organisations have gained an honourable status among migrants that they deliver what they have

promised. Despite that their actions fall under the criminal proceedings of most member states, the organisations seem to have evaluated the risk well and continue to function effectively. Focusing on minority groups that are historically disadvantaged and have been known for the lack of integration capacities, the traffickers will further take advantage of such people and breach their human rights. The evident elements of modern slavery in Duisburg with people from Stolipinovo use the migrants for financial gains from the welfare system, as well as abusing electoral rights threatening the democratic values the EU stands in favour of.

In order to answer the last sub question, it is important to stress on the unintentional cooperation of the EU with the traffickers, as it would not be possible to establish such dependability upon a group without the assistance of the policies the EU adopts. The impact the law has on society and how the traffickers are utilising that makes apparent the socio-legal context of the study. The more the attention of the EU focuses on its external border, the less it takes care of EU citizens exercising their free movement rights.<sup>209</sup> This is even to the extent that national law in Bulgaria only recognizes third country nationals as victims of modern slavery. Furthermore, both Germany and Bulgaria criminalise slavery only in specific contexts leaving many opportunities for interpretation and scenarios for the traffickers to utilise.<sup>210</sup> The relatively small sanctions and imprisonment sentences, also play an important role. The low penalty is not appropriate considering the rights abuses suffered by victims of trafficking, facilitating further abuse on the freedoms of the Roma people by the organisations behind organised migration. Hence, the present legislation leaves the feeling that the victims of human rights violations and their rights as victims of crime are in a way neglected.

Furthermore, taking into consideration the role of the welfare state and how it attracts migration, it can be argued that reforms in that area are inevitable. The topic had already been in the political discourse in the past few years and it is expected Germany to follow other EU countries and limit access to its benefits system. Doing so the German state will not only ease the pressure on the social structure, but will also limit the influence of the traffickers in case, of course, the government has the political will

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<sup>209</sup> Mitsilegas, V., *The Criminalisation of Migration in Europe. Challenges for Human Rights and the Rule of Law*, 2014, Springer.

<sup>210</sup> European Union Agency for Fundamental Rights, *Severe labour exploitation: workers moving within or into the European Union. States' obligations and victims' rights*, 2015, Luxembourg.

for that. Countries like Bulgaria would not be able to provide any time soon or at least not in the foreseen future similar standard of the welfare system as Germany, putting them in a very disadvantaged position competing for workforce and economic investments as people would continue to leave in favour of the West.

The business model the organisations have adopted seems to be sustainable and working efficiently in the past few years, despite the complexity of the entire process. With the strong ethnic identity within the structure, the loyalty of their victims in the face of the Roma from Stolipinovo and the numerous opportunities EU Law leaves, including the lack of action by law enforcements, looks like the phenomenon of organised migration will continue bringing gains to the traffickers at the expense of an entire community.

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